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PROGRAM OUTLINE

WASHINGTON MEETING—NATIONAL MUNICIPAL LEAGUE, NOVEMBER 15–17, 1923

HEADQUARTERS, WASHINGTON CITY CLUB

(Morning Sessions are in charge of the Governmental Research Conference)

THURSDAY, NOVEMBER 15

9.30 A.M. Next Steps in Budget Making—Why Has the Budget System Not Fulfilled Its Early Promise? Fundamentals of a Municipal Accounting System.

Reports of Committees of Governmental Research Conference, with discussion.

12.30 P.M. Luncheon (Jointly with Governmental Research Conference).

The Way Out for Our Street Railways.

6.30 P.M. Joint Dinner with City Managers' Association.

FRIDAY, NOVEMBER 16

9.30 A.M. Financing Municipal Paving.

12.30 P.M. Luncheon.

Consolidated Government for Metropolitan Areas.

6.30 P.M. Dinner.

Address followed by Business Meeting.

SATURDAY, NOVEMBER 17

In order that those anxious to visit the various points of interest may do so without missing any of the regular sessions, no formal meetings will be held Saturday. It is hoped that members and guests will postpone their sightseeing until the third day. Government departments are open on Saturday as on other days.

Schedule your sightseeing parties for Saturday and you will miss nothing on the program.

COMMENT

A Special Feature of Our Washington Meeting

Many who attend our annual meetings are interested in a practical way in some department of municipal government and welcome the opportunity to see how it is being handled in another city. This year the League and the City Managers' Association (our conventions overlap) will have a municipal clinic (the phrase is Louis Brownlow's) provided them without cost or extra effort.

Due to the hospitality of the Commissioners of the District of Columbia, a schedule of trips has been worked out to enable all those attending the conventions to select the activities in which they are interested and *to see the work under the direct leadership of the head of the department concerned.* A special trip will also be made to the Bureau of Standards where everyone can see how that institution is helping and can help the cities.

The full schedule of trips will be published with the completed program. It has been arranged so as to interfere but slightly with the regular sessions.

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The Need for Political Research

In our July issue we published an article by Professor Victor J. West of Stanford University upon the California legislature, which reported that the experiment of the split session has been reasonably successful. The recess has been found useful to numbers for studying bills and sounding public opinion upon them.

But a report from West Virginia, which is trying the same experiment, is of a different tenor. Because so many bills are introduced, the general public has no chance to study them. Although late introduction of new bills has been frustrated, the original measures are not taken seriously because of the freely exercised right to amend them later. The printing of so many bills on introduction and the distribution throughout the state is said to be a heavy expense ($212,000 for the session just ended) with no public benefit therefrom.

Why should a device of this sort work satisfactorily in one state and unsatisfactorily in another? Is it really working out as our observers believe? How can we know? Must it always be a matter of opinion?

The valuation of political instruments is to-day little advanced beyond the stage of generalization and prejudice. Political Science seems almost a contradiction in terms. Our standards of value are vague. Units of measurement have still to be developed. The technique of cool, disinterested method remains to be constructed. We learn so little from political experiments because we have no means of discovering how they work. The split legislative session is only one of scores of subjects of which the above is true.

The National Conference on the Science of Politics was organized to meet the need for a scientific method. One hundred and twenty-five people met last month at Madison, Wisconsin, and worked for one week, three sessions a day, on the development of research. It is a hopeful sign and we shall tell you more about it in the next issue.

GIFFORD PINCHOT'S FIRST LEGISLATURE

BY EDWARD T. PAXTON
Philadelphia Bureau of Municipal Research

One hundred per cent of our readers will be interested in this article

PENNSYLVANIA was without a political leader. Philander C. Knox had died. William E. Crow had died, state senator and soft-coal baron, whose light footfalls on the thick carpets of the capitol had directed the strategy of session after session of the Pennsylvania legislature. Boies Penrose had died, intellectual, disillusioned reformer, who inherited and ran ruthlessly the most perfect political machine that two generations of cunning could devise. Governor Sproul, last leader of his party, had reluctantly laid aside the third recurring opportunity to make himself United States senator by appointment, and by so doing had drawn the curtain on his own political life.

Nor was this all. Lewis S. Sadler had died. Sadler had been state highway commissioner under Governor Sproul, and was being groomed for the governor's chair. His death left the Republican organization without an available and willing candidate. The machine which in 1921 had passed all its measures practically without heed to public sentiment, even ousting the speaker of the house of representatives when he blocked for a time the organization's legislative program, in 1923 stood dismantled.

HOUSE CLEANING DUE

Out of the turbulent session of 1921 had come the conviction that Pennsylvania ought no longer to delay a house cleaning in high places. Ousting the speaker of the house had been too spectacular a performance. Public attention was centered on the falling-out within the party. The defeated faction made loud charges of waste, extravagance, and treasury deficits, which carried weight because of the excellent competence of the testimony. An audit of the auditor general's books showed that the lieutenant governor had been paid, in addition to his salary, a five-thousand dollar fee for special legal services, payment for which seemed unjustified and unsupported. The "five-thousand dollar check" blighted otherwise legitimate hopes for the governorship. The audit showed similar unsupportable payments to other people, and airing them blighted other gubernatorial hopes. Political manipulation of state deposits was disclosed, with considerable loss of interest to the state. The state treasury was unable to meet obligations to school districts. Good authority had it that the former auditor general had erred badly in estimating probable income, and that the governor, relying on his estimate, had signed appropriation bills some million dollars more than the state could pay.

From this combination of need and opportunity sprang Gifford Pinchot's candidacy. Four years as commissioner of forestry under Governor Sproul had made him thoroughly familiar with the task ahead. He had just finished a section of it within his own department. Service in the constitutional revision commission had rounded out his vision of the state.

Promising that he would drive the saloon out of Pennsylvania, that he would operate the state on a budget without waiting for a constitutional amendment, that he would call around him the best brains in Pennsylvania to investigate the financial condition and make the facts public, and that he would move to Harrisburg, live there four years, clean up the mess, and at the end of that time go fishing, he drew the support of so many voters, particularly among the women, that in county after county the machine leaders found it necessary to turn in for him in order to save themselves. The mining districts, and labor generally, supported him. He was nominated over an able and worthy opponent, by a narrow but decisive margin.

Without waiting for election, which in a one-party state is a foregone conclusion, he called about him a citizens' committee, under the chairmanship of Clyde L. King of the University of Pennsylvania, under whose guidance a remarkably comprehensive study of the principal spending departments of the administration was made and a tentative budget for the current biennium was prepared. With the results of this study, the Governor went before his first legislature in January, 1923.

LEGISLATURE CONSIDERED UNFRIENDLY

It was reputed to be an unfriendly legislature. Some members of the house and a few of the senate had won office on the crest of the Pinchot wave, but most of the members were a fair sample of those their districts were accustomed to return under machine administration. Pinchot did not, in fact, control the Republican state committee. And there were other complications. Gifford Pinchot long has been a national figure. He entered this contest saying that he had no political ambitions to further during his term. But he had friends, and relatives, not so modest of intent. There was an alliterative lure about "Pinchot for President." But there were other presidential aspirants in Pennsylvania. The state has suffered from them unbelievably, for a generation. Pinchot was hated, not only for his present success, but from fear of his future. "Let us name your public service commission and your labor appointments," the rumored proposal to the Governor-elect went up and down the well-informed whispering gallery; "keep your hands off Philadelphia and Pittsburgh, *and stay out of national politics*, and we will give you your budget and your state reorganization."

Pinchot had made a Rooseveltian campaign. Assured of the Republican nomination, his election a certainty, he had stumped the state for popular support for his program, and made public demands upon practically every nominee to the legislature for promises of support. These demands were usually made in the course of a speech in the member's district, and this usually was followed by an interview in private with the nominee, the results of which were immediately released to the newspapers. The promises garnered in these interviews stood the Governor in better stead during the session than any other resource at his command.

AN EXTRA-LEGAL BUDGET

The findings of the citizens' committee led to the conclusion that the state had incurred an appropriation liability of approximately $29,000,000 more than it had made provision to meet. The budget presented by Governor Pinchot, the first budget ever presented to the Pennsylvania legislature, requested 25 per cent less for departmental operation than had been

appropriated two years before. A gap was left in educational subsidies, which the Governor told the legislature was its problem. It was this problem of additional revenue that tested most severely the calibre of the legislature and prolonged its sessions for two months beyond the stopping point that would have been warranted by the accomplishments.

The legislature was not only bossless but leaderless. It ran around in circles, adopting a policy one week only to discard it for an opposite policy the next. To many of its members the task of thinking for themselves was new and unwelcome. Some men who had been automatons in previous sessions breathed a new breath and gave evidence of surprising powers of initiative; but those who might have risen to effective leadership all shrank from the task. No real leadership developed. Friend and foe appealed to the Governor to step into the breach after the manner of his predecessors, designate administration floor leaders and force concurrence in an administration program. This he declined to do. Relying on the pre-election promises he had extracted from the legislators, his veto power, and his announcement of the certainty of an extra session if the legislature failed in its essential duties, the Governor went no farther into the process of legislation than to insure at the outset the selection of a friendly speaker and certain friendly committee chairmen.

The Governor was not able to accomplish all that he wanted or proposed. The first task, the adoption of a new state prohibition enforcement act, was technically a success, though its effect on prohibition enforcement in comparison with the law which it superseded on the statute books is by no means certain. The saloons have not been "driven out of Pennsylvania." It is said that there are as many as before, only they are not called saloons nor licensed by the state.

The first state budget was the Governor's most notable success. It survived a storm of counterblast and ridicule. It showed the legislature and the people the proportionate relation of the various financial demands upon them, a new vision for Pennsylvania. It made possible an agreement after delay but without serious difficulty, upon new temporary tax measures, designed to produce $20,000,000 additional revenue in the next two years and clean the fiscal slate. One great compromise in the budget probably need not have been made. As presented to the legislature, it was a lump-sum budget, embodying the principle of state aid to private hospitals and similar social-service institutions in proportion to the cost of free service rendered by them. These institutions in the past had been the beneficiaries of individual appropriation bills in amounts governed by political consideration. Naturally, violent opposition to the new basis of support was voiced by countless trustees of private institutions and other parties at interest. The constitutionality of lump-sum appropriations for the purpose was challenged and unfortunately the administration capitulated. Many think that perhaps the Governor's legal advice was unfortunate.

The third success, and the hardest fought, was the enactment of an administrative code embracing a reorganization of the executive departments and their co-ordination as administrative and spending agencies. The code has reduced the number of independent spending agencies from 102 to 21, provided for a budget system and for fiscal control by the governor, provided means for co-operation of the various bodies to prevent duplication of func-

tions, and set up a central purchasing procedure and the machinery for standardization of salaries of departmental employes.

Enactment of legislation for a survey of water-power resources of Pennsylvania was the fourth accomplishment, and one which the future may regard as an epochal step because of the fundamental relation which hydro-electric development is likely to bear to the life of the coming generations.

THE GOVERNOR SUMMARIZES HIS ACCOMPLISHMENTS

The Governor's own estimate of accomplishments is stated in nine points:

1. *A budget to be presented to the state legislature.*
   This budget has passed practically in the form in which it was submitted.
2. *Adequate fiscal control.*
   This has been provided for in the administrative code in a way entirely satisfactory to the administration.
3. *A uniform system of accounts.*
   This plan has been worked out and has been adopted.
4. *Plan to keep expenditures within income.*
   This has been accomplished and to-day the departments are working out plans for their expenditures for the next two years which will be, under the administrative code, subject to revision as the income of the state may require or warrant.
5. *Reorganization of the state government.*
   This reorganization is an accomplished fact in a form almost ideal. It can be said without any doubt that it is the best plan of reorganization adopted in any state as yet.
6. *The administrative code.*
   The administrative code as passed carries out exactly the ideas recommended in the citizens' committee reports.
7. *A responsible financial advisor.*
   This plan has been carried out in full through the department of state and finance.
8. *Standards of public employment.*
   The executive board is given power to standardize salaries and positions.
9. *A purchasing and standardization bureau.*
   This plan has been adopted in full in the administrative code.

OTHER NEW LEGISLATION

As for the general activity of the legislature, it may be said that the group typified by the manufacturers' associations are the only ones who got all or nearly all they wanted. Not a single "labor measure" of importance passed, though labor had been with Pinchot strongly in the primaries. The defeats included an eight-hour bill for women, a bill for one day of rest in seven, a children's eight-hour bill, a bill forbidding child labor under 16 years of age, an effort to set up a minimum-wage board for women and minors, a series of bills liberalizing the workmen's compensation act, and another series designed to protect interests of bituminous and anthracite miners.

A blue-sky law was passed, and an anti-lynching law. The indeterminate-sentence plan was broadened by a law providing that when an indeterminate sentence is pronounced, the minimum shall not be more than half the maximum, the prisoner being considered for parole upon the expiration of the minimum. Juvenile courts were given exclusive jurisdiction in all cases of children under 14 years and the establishment of a juvenile court was made compulsory in every county. An old age assistance act was passed, though with an entirely inadequate appropriation. A mental-health code brings together and liberalizes the legislation dealing with mental patients and defectives. Another act makes it possible to accept the benefits of the Sheppard-Towner maternity act. An effort to abolish the professional licensing of engineers was defeated. Efforts to replace on the statute books the full-crew law and the non-partisan election of judges, both wiped out two

years ago, also were unsuccessful. The home-rule enabling act failed, though home rule for cities was a part of the Governor's platform.

The additional tax measures are self-repealing. They impose for two years a tax of one-half of one per cent on the profits of corporations, and an additional cent per gallon on gasoline. An attempt to repeal the anthracite coal tax failed. A proposed "luxury tax," and proposals to tax bituminous coal, natural gas, and crude petroleum also failed, as did a proposed sales tax. A constitutional amendment permitting graded and progressive taxation failed because of fear of a state income tax.

Fourteen constitutional amendments were passed, out of forty-two offered. Fortunately, a bill was also passed permitting a referendum on the calling of a constitutional convention.

Perennial civil service and election reform bills met their usual fate. For the rest of the session, it may be said that the most sharply debated issue was daylight-saving, and that more attention, as well as success, was awarded a measure to prevent the counterfeiting of the relics of Tutankhamen than to a proposal to put coal-producing companies under the regulation of the public service commission in order to avoid the repetition of last year's acute coal shortage.

MILWAUKEE REGISTERS PROGRESS[1]

BY DANIEL W. HOAN
Mayor of Milwaukee

Mayor Hoan believes that the city renders service to the people at a fraction of what private interests would require to do the work. We welcome stories of progress from other cities. :: :: :: ::

From years of study I have formed the conclusion, and so stated recently at a large public meeting of one of our civic clubs, that the city of Milwaukee performs every public service at a cost from one half to one tenth of what the expense would be if the same service were performed by private individuals. I was in hopes I would be checked on that statement, but so far the assertion has not been contradicted, and until it is successfully refuted I shall continue to believe it is true.

Take our garbage collections, for instance. We make a weekly collection for two dollars per family annually. I know of no city that performs the same service for less than twenty dollars annually.

Our ash collections are done at a cost of eight dollars per family annually and we go into the basements to get the ashes. No private firm would perform this service anywhere for less than twenty dollars annually.

I am prepared to take up police, library, natatorium, or any other municipal service and make like comparisons. It is due not only to the large scale on which the city does its services, but to the low cost of overhead. I stated at that meeting that in the event any citizen could show

[1] The address of welcome to the National Association of Comptrollers and Accounting Officers at their Eighteenth Annual Convention.

any service that could be performed better and at a lower cost than by municipal functioning, the city should be prepared to make a rapid change. So far, however, no such offer has been forthcoming.

I therefore submit, that performing municipal service honestly and efficiently is one of the most patriotic duties that any citizen can contribute. No one shares the responsibility and care of municipal government more than do the comptrollers.

MILWAUKEE'S CREDIT SOUND

You will no doubt agree with me that perhaps the greatest authority on municipal finance in bonds as well as the man most familiar with the financial standing of cities in the United States is Judge Charles B. Wood of Chicago.

At a conference with Mr. Wood about a year ago he expressed himself as follows:

> Mr. Mayor—your city, Milwaukee, has without question the best financial standing and credit of any city in the United States. It is due to the enactment and careful administration of a number of laws and measures which I trust you will continue to painstakingly adhere to.

Let me communicate to you very briefly an outline of just what measures the Judge had in mind and which has resulted, in the opinion of the Judge, in Milwaukee assuming the leadership in matters of municipal financial credit and standing.

1. The institution of a scientific budget system which has absolutely prevented the usual recurring financial deficits at the end of each year.

2. The elimination of the issuance of all bonds which might in any sense be classed with such as pay for operating expense. Among the classes of bonds which we have refused to issue since 1910 have been street improvement, bonds to dredge rivers and also miscellaneous small issues of bonds in place of which we have levied a tax. This shift in policy meant the assumption by the community, of a temporary financial burden, but present results are so obvious as to need no further comment.

3. We have issued a direct tax of one tenth of a mill for over ten years and which now accumulates about $70,000 a year to wipe out a deficit of a half century's standing due to unpaid personal property taxes.

4. We have levied a tax of one fourth of a mill which now accumulates about $140,000 a year to place ultimately all of our city departments on a cash basis.

5. We have centralized all the purchasing of the city in one board which has resulted in many hundreds of thousands of dollars saved. Added to this is a storehouse on which we keep an accurate check of all goods.

6. We have been able to inaugurate a system of paying cash for goods purchased and thereby instituted a discount system which resulted last year in a net saving to the city of approximately $40,000 and which amount increases year by year.

7. Perhaps one of the most valuable steps taken was the elimination of the usual method of paying contractors by certificates. It is a well-known fact that many of these certificates were uncollectible because of nonpayment of taxes, etc., and that the bankers usually charged a large discount to cash the same. We have eliminated this system entirely and pay our contractors in cash. At the same time the property owners have been benefited by permitting them to extend their payments over a period of six years if they so elect, by the payment of 6 per cent interest. While this law permits the city to issue a six-year bond to meet any possible

deficit of funds needed, I am happy to say that so far our surplus has been sufficient to carry on the system without the issuance of a single bond. The saving from this system is so vast as to need no further explanation.

8. Next we have altered our system of depositing all our trust funds in local banks or depositories. This fund brought us only 2 per cent for years. We have inaugurated a system of investing these funds largely in short term government securities bringing us at least twice the former amount of interest.

9. We have also inaugurated a system of permitting a taxpayer who has paid his state and county taxes, the right to extend the time of paying his city tax for six months, upon payment of 6 per cent interest. This latter system saves the taxpayers, who are in temporary financial stress, from the loan shark, and at the same time insures the city a fair rate of interest. As a result of these two systems, together with other interest monies received from trust funds, the city of Milwaukee now receives approximately one-half million dollars annually in interest money. Perhaps $100,000 comes from increased interest annually, due to buying short term certificates, while $52,000 is the amount in interest we receive in an average year for extending taxes.

AMORTIZATION FUND ESTABLISHED

Last, but not least, due to this accumulation of interest we have firmly established recently a municipal amortization fund ultimately to wipe out all of our public debt. In June I had the pleasure of signing a check of $375,000 out of our interest fund to be placed in this amortization fund. This fund will be added to year by year and will draw interest and compound interest until such time as our debt is finally eliminated, and which will result in a much desired reduction in tax rates. As a companion measure we have also established a private foundation for the accumulation of private funds for the same purpose.

At first glance it might seem that so large a program would be very burdensome upon the taxpayer. I would call attention, however, to the fact that of the tax rates of thirty of the largest cities of this country, you will find Milwaukee's rate down about half way. You might also suspect that our bonded indebtedness is great. However, in an article in a recent issue of the NATIONAL MUNICIPAL REVIEW we find this statement:

> Compared with 36 of the largest cities of the United States, Milwaukee's per capita bonded debt comes as twenty-nine on the list with only seven cities lower. Milwaukee's gross bonded debt is placed at $27,750,500 or $53.09 per capita as against an average of $103.40 per capita for thirty-six other states, omitting Washington with a per capita debt of .36. The average is $16.79 for St. Louis to $206.60 for Norfolk.

PUBLIC IMPROVEMENTS ON BIG SCALE

Time will not permit me to prove that we have not neglected our public improvements, except to say—we are about to complete the most expensive sewerage disposal works, in comparison to population, of any city in this country, a thirteen million dollar project, of which over one-fourth was paid for in cash.

We have also acquired every foot of riparian rights along our lake front and are constructing the best harbor on the Great Lakes. We are widening one of our main arterial highways to 180 feet and will provide on one point thereon, a civic center involving an expenditure of eight million dollars.

We have built more high schools and

acquired more playground space in the past three years than the city possessed in its entire history. A million dollar viaduct, a new water intake, and a new million dollar pumping station, a new street lighting system and innumerable other public improvements places our program for municipal improvements second to no other city of its kind in the country.

I am not boasting, but have merely related to you a fact of which we are justly proud, namely, that we have achieved financial leadership both as to standing and credit of all American cities.

AN EXPERIMENT IN TEACHING CIVICS

BY W. C. HEWITT
State Normal School, Oshkosh, Wisconsin

There are suggestions in this for teachers with energy to depart from classroom routine. :: :: :: :: :: :: :: ::

NOT very long ago I tried some experiments in Civics teaching that were so interesting to me that I am emboldened to outline them briefly for other teachers of government.

A NATIONAL CONSTITUTIONAL CONVENTION

My class of fifty pupils organized themselves as a national convention for the purpose of rewriting the constitution of the United States. Each state and outlying possession was represented. The officers of the convention were a president, vice-president, minutes secretary, documents secretary, and a standing committee of style and arrangement.

Each clause, sentence, and word of the constitution was carefully studied, the general procedure being to retain the present wording and arrangement unless the majority of the convention decided otherwise.

I did not agree entirely with all the changes made, but I can say that all the alterations and additions were along thoughtful and patriotic lines.

As indicating what things were in their minds:

1. They materially improved the arrangement of the constitution by putting all the rights of the constitution in a single section at the beginning.

2. They lengthened the term and increased the salaries of the congressmen. They improved the present administrative order by having the terms of representatives and senators begin in the congress immediately following the election. They specifically increased the power of congress over taxation, monopolies, and territory, and made the budget system obligatory.

3. They declared the president should be elected by popular vote, specifically gave the supreme court the power to declare unconstitutional any state or national law, and inserted in the preamble a recognition of Almighty God.

A STATE CONSTITUTIONAL CONVENTION

My second experiment was with the next class, which organized as a state constitutional convention, the delegates being from the various counties. The method of procedure was

essentially the same as with the United States constitution. Some of the changes made in the Wisconsin constitution were as follows:

1. A single house of one hundred members was created, and the governor was given a cabinet of eleven members, all being entitled to seats on the floor of the legislature.

2. The initiative, referendum and recall were affirmed, but denied as to judicial officers.

3. The supreme court was increased from nine to eleven members, and seven justices might declare a state law unconstitutional.

There were many other changes made relative to education, taxation, and administrative work, but the above will indicate the lines of study.

A CITY CHARTER CONVENTION

My third experiment is now in progress. The class is organized as a city charter convention with two delegates from each of the fourteen wards. The officers of the convention are a president, vice-president, secretary, and secretary of style and arrangement. The specific work of the class is to write, not a model charter, but a model charter for the city of Oshkosh, population, 35,000. The first creative work appeared when the class began to study actual local conditions.

1. The city is divided by a river; this causes apparent diversity of social and economic unity.

2. Practically all the Protestant churches are on one side of the river; this causes religious separation.

3. The members of the Rotary Club come from one side of the river, and practically from four wards; this indicates intellectual isolation and corresponding opposition.

4. As one laborer put it, "All the high-toned institutions are on the same side"; this makes a city of classes.

All these considerations and others were brought out when the personnel of the council was determined, and the convention decided that the local situation demanded a representative council of fourteen members, one alderman from each ward.

The people are not opposed to efficiency, but there is more or less opposition to the "specialist." A large group in the class advocated the "manager" idea; but the other group, while granting the necessity of the manager, advocated an increase in the dignity of the mayor, so a compromise was reached by creating the mayoralty, with a salary of $5,000, the mayor to be elected at large.

It was here that constructive work was begun. The election laws of Wisconsin are deficient in that there is no selective work prior to nominations. So the convention decided to create what is known as a preliminary ward meeting. Prior to the primaries, the people of each ward are to meet and discuss the qualifications of candidates, and the needs of ward and city. The ward will elect a president, vice-president, secretary, and executive committee of three. It is the duty of the executive committee to make suggestions on candidates and issues, but all such reports and actions thereon are merely advisory. Candidates will be nominated as at present by primary petition. The ward organization is permanent, and meetings may be called by the president at any time, and must be called at the written request of ten voters of the ward.

The idea of our convention was that the ward meeting would give an opportunity for all people of the city to have a voice in all civic questions, and that this opportunity would make for wider civic consciousness. In limiting the action of the ward meeting to discussion and recommendation,

the convention decided that the action of political bosses would be eliminated. For example, suppose the mayoralty election is approaching. After the fourteen ward meetings have acted the list of candidates will have been carefully discussed, and at subsequent meetings the list can be reduced to a smaller list of eligibles. At present there is no machinery by which the people may get together. The ward meeting would be a permanent device by which the people could meet to discuss any question of interest to the city.

WHAT WAS ACCOMPLISHED

I think I am justified in giving some conclusions from these three studies:

1. In all the studies there was a generous amount of creative work, and I need not emphasize the fact that creative thought on governmental matters is infinitely better than lectures or memorized recitations.

2. Attention to governmental questions was obtained from many sources: At least a dozen leading newspapers have commented favorably on the work, nearly all printing the names and pictures of the officers. We have had encouraging recognition of the work from our senators, congressmen, governor, superintendent of public instruction, secretary of the state board of education, and secretary of the board of regents. I think publicity is an important result in practical governmental study.

3. The signing of each constitution in the public auditorium was an impressive affair. The events were almost as solemn as the signing of the original United States and state constitutions. Some of the delegates were so moved as to be scarcely able to hold the signature pen.

4. The parliamentary training was unusually profitable. The defect of practice lessons is that they do not deal with real things. The differences of opinion on real issues gave rise to real parliamentary maneuvering, and therefore resulted in real parliamentary training.

5. The contests over words, phrases, and arrangement were fruitful English work.

6. Each delegate in the United States convention had a knowledge of the constitution of the state he represented, and I think the study of comparative governments of state and nation was better and more widely done than when I personally direct the work by lecture and references.

7. The real issues of to-day and to-morrow had a wide and intelligent discussion. Material bearing on the present problems was more freely used and more effectively applied than in my regular classes. When radicals appeared they had to answer the conservatives—when the conservatives rested on the things that are, they had to justify them from history, economics, and ethics.

The general effect of all the studies was to create a deeper reverence for the work of the "Fathers." Time and again it came out that it was easier to destroy than to create, and I think I am safe in saying that when the work was done there was no member of the conventions that did not think of his country after a nobler fashion. I did not teach these classes. I was a delegate from the Philippines, from Juneau county, from the third ward—the work was done by the students themselves, and it is an even question as to who learned more, they or I.

HOW WASHINGTON IS GOVERNED

BY DANIEL E. GARGES
Secretary, Board of Commissioners, District of Columbia

This will be of interest in connection with our annual meeting next month in Washington. :: :: :: :: :: :: ::

THE present form of government was provided by an act of congress approved June 11, 1878. This government consists of three commissioners, two selected by the president of the United States from actual residents of the District of Columbia who have been residents for three years, and an army officer detailed by the president. Their term of office is three years. These form a board of commissioners and this board has duties corresponding to that of a mayor.

The Constitution of the United States provides that congress shall exercise exclusive legislation over the District of Columbia, but congress by various statutes has delegated to the commissioners the power to make police, building, health, and other municipal regulations, and to enforce them by proper penalties. There are some duties, however, which ordinarily come under the jurisdiction of municipal authorities which the commissioners do not have. This situation arises by reason of the fact that Washington is the capital of the United States. For instance, the United States authorities have charge of the water supply system including the bringing of the water from Great Falls to the filtration plant and filtering it. All water mains supplying the inhabitants of the city with water, however, are constructed by the commissioners, and all water, whether furnished to the citizens or to the property of the United States, is distributed under the jurisdiction of the commissioners. The United States also has jurisdiction over all public parks.

The board of education of the District of Columbia is appointed by the judges of the supreme court of the District of Columbia, and the Board of Charities, the recorder of deeds, and the judges of the municipal court are appointed by the president of the United States. The commissioners, however, appoint the heads of all the various municipal departments in the District government, and also the employees of the District government. These employees do not come within the provisions of the civil service laws, with the exception of the police and fire departments.

One of the duties of the commissioners is to submit annually estimates of funds necessary to support the government of the District of Columbia. These estimates are submitted to the director of the budget in the treasury department, and as they are approved or changed by the director they are submitted to congress. In both the house of representatives and the senate there are appropriations committees and a subcommittee of five members which has charge of preparing the District of Columbia appropriation bill. The bill is first prepared in the house of representatives, and during its preparation the commissioners are granted hearings, in order to present to congress the necessity for appropriations asked. The subcommittee pre-

pares the bill and it is sent to the house of representatives. After it is passed by the house, it is referred to a similar subcommittee of the senate appropriations committee, and this committee also grants a hearing to the commissioners. It frequently adds by amendment to the amount of the bill allowed by the house. The senate then passes the bill with the amendments. The bill is then referred to a conference committee consisting of three members each of the house and senate subcommittees. The conference committee makes its report to the house and senate. The bill is passed, and when signed by the president it becomes a law.

All legislation for the District other than appropriations comes under the jurisdiction of a committee of the District of Columbia, of which there is one in the house and one in the senate. Whenever the commissioners desire to have a law passed they write to the chairmen of these committees recommending the introduction of a bill to accomplish what is desired. These committees consider such requests and if they favor the measure they report it to the house and senate, and when passed by these houses and signed by the president it becomes a law. All bills relating to the District of Columbia, by whomsoever introduced, are referred to these committees.

All funds appropriated for the expenses of the government of the District are paid from two sources. These sources are:

1. Taxation on real estate and personal property of the residents, including street railways, gas companies, and other public utilities, and certain license taxes imposed by law on various businesses.

2. Money in the United States treasury belonging to the United States.

When the present form of government was established in 1878, the law provided that one-half of all appropriations made for the expenses of the District of Columbia should be payable from taxes levied on the residents of the District, and the other half from funds in the United States treasury. Under the law as it now exists, however, it is provided that 60 per cent of such appropriations shall be paid from taxes levied in the District, and 40 per cent from funds of the United States. Prior to July 1, 1922, taxes on real estate were levied on the basis of a two-thirds valuation, and on personal property at full valuation. Now taxes on both real estate and tangible personal property are based on a full valuation. The rate fixed for the fiscal year beginning July 1, 1923, is $1.20 per $100 on both real estate and tangible personal property. For the preceding fiscal year it was $1.30 per $100. On intangible personal property the provision of law requiring a tax of three-tenths of one per cent was increased on July 1, 1922, to five-tenths of one per cent. The law provides that the commissioners shall fix the rate of taxation to meet the proportion of the expenses of the District to be paid from this source. Taxes were formerly payable annually, but beginning July 1, 1922, they are payable semi-annually on November 1 and May 1 of each year.

The assessed value of real estate and personal property in the District of Columbia on June 30, 1923, was:

Land	$335,538,719
Improvements	387,660,549
Personal Property:	
Tangible	123,765,372
Intangible	365,079,089

Real estate is assessed biennially.

For the purpose of providing for the orderly conduct of the business of the District government each member of

the board of commissioners is appointed a committee of one to handle certain municipal functions. One commissioner has charge of the assessment of property, the disbursement of appropriations, the licensing of businesses, the collection of taxes, the handling of legal matters and insurance, and the purchase of all materials supplies, and the control of the almshouse, reformatory, and workhouse. Another commissioner has charge of the fire and police departments, the supervision of weights, measures and markets, the supervision of playgrounds, etc. Another commissioner has charge of all street improvements, the construction of school and other municipal buildings, the removal and disposal of garbage and city refuse, the construction of sewers, the cleaning of streets, the lighting of streets, the laying of water mains, the care of street trees, etc. Twice each week and at other times when necessary, the three commissioners meet in board session. Each commissioner brings before the board matters affecting his department, and the board passes such orders and regulations as they deem advisable covering the matters brought to their attention. These orders are signed by the secretary to the board of commissioners, and are issued to the heads of departments for execution.

In addition to the duties which the commissioners have as executives of the District government, congress has placed upon them certain other duties. The three commissioners form a public utilities commission with jurisdiction over street railways, gas and electric companies, telephones, baggage transfer, etc. The commission fixes the rates which may be charged for all of these commodities, and the public utility companies cannot charge more than these rates for services which they render.

The commissioners, together with the architect of the capitol and the officer in charge of public buildings and grounds in the city of Washington, form a zoning commission which divides the city into zones, which can be used only for residence purposes, business purposes, and other commercial purposes. They also fix the height to which buildings can be erected and the area of ground which can be built upon.

All matters with reference to the public school system, with the exception of the construction and repair of school buildings, are placed by law under a board of education consisting of nine members appointed by the judges of the supreme court as heretofore stated. The board of education appoints all the teachers and other employees and makes rules for the operation of the school system. The expense of running the schools is one of the municipal expenses cared for in the District appropriation act.

It may be interesting to note the various taxes and assessments which the property owner in the District of Columbia is called upon to pay. When the city of Washington was laid out into streets, avenues, and alleys, the old boundary of the city was Florida Avenue. As the city grew, however, property owners outside this boundary subdivided their land into lots, and dedicated streets. These streets as well as the city streets were improved at the expense of the District government and no assessment was made for such improvement. In the year 1893, however, congress directed the commissioners to prepare a plan for extending the streets and avenues of the city throughout the entire District, in order that when the land was opened for building houses the streets would be run in a systematic manner. The law provided that if a property

owner wished to subdivide his land he must dedicate the streets to the District without any cost. If he did not dedicate and the commissioners desired the streets to be opened, they would institute a proceeding in court to take the land for street purposes, and the property owners were required to pay the cost of the land taken. After the street was opened, it was necessary to lay sewers, water and gas mains, and electric lights, and also to provide sidewalks and roadways. With the exception of the gas and electric light, the property owner is required to pay for all these improvements. Now he pays two dollars per front foot for a water main, and one dollar and fifty cents for a sewer; one-half of the cost of laying a sidewalk; one-half of the cost of paving alleys, and one-half of the cost of paving the roadway in front of his property. This is in addition to the taxes he pays each year on the property.

The District of Columbia has practically no bonded or floating indebtedness.

On June 30, 1923, the outstanding 3.65 per cent District of Columbia bonds amounted to $4,589,250. The sinking-fund assets amount to $4,423,640.91, thus making the net indebtedness of the District of Columbia on June 30, 1923, $165,609.09. The District of Columbia has no other form of indebtedness than that represented by its outstanding 3.65 bonds. The 50-year period for which these 3.65 bonds were issued, the issue being limited by law to $15,000,000, will expire August 1, 1924. The sinking-fund assets, represented entirely by investments in bonds of the United States, will be nearly sufficient to take up the outstanding bonds.

CIVIC INTEREST AND CRIME IN CLEVELAND

A FOLLOW-UP ON THE CRIME SURVEY

BY RAYMOND MOLEY
Associate Professor of Government, Columbia University

What has been accomplished in two years, and what remains to be done

Civic interest, shocked and aroused by a deplorable murder case, educated and informed through a survey of criminal justice, and sustained and directed by permanent citizen organizations, has for the present, at least, rescued Cleveland from an unhappy prominence as an easy town for crime and criminals.

For a period extending several years back of 1920, Cleveland, once far heralded as well governed, had suffered an alarming increase of crime. The quality of its law enforcement had become an open invitation to the criminal and vicious. In 1919 a special grand jury was created composed of reputable men and charged with the duty of finding out why crime had become so rampant. The report of this grand jury revealed an "easy" town with a confusion of

responsibility in the police department, politics and slovenliness in the work of the prosecutors' offices, unintelligent humanitarianism on the bench and unwholesome relations between lawyers serving the underworld and officials supposed to serve the public. It stated that certain officials, notably the county prosecutor, had "steadily lost the confidence of the community and the bar," and recommended that he "should resign or be removed by due process of law." It also stated that the city director of public safety, titular head of the police force, should be "immediately superseded."

TRIAL OF CHIEF JUSTICE AROUSES PUBLIC

A year later a murder case threw before the public the same general condition in a much more detailed and lurid manner. The chief justice of the Cleveland mumicipal court sadly disgraced his high office by becoming involved in a sordid series of events which culminated in a murder for which he was twice tried, but finally acquitted. Throughout this whole incident there was exhibited much bungling police work, ineffective prosecution, yellow journalism, and questionable political operations. Civic organizations were finally taught the need of fundamental and carefully planned reform and at the very culmination of the public interest in this revelation of governmental breakdown, the Mayor, The Bar Association, The Chamber of Commerce, and other civic bodies requested The Cleveland Foundation to conduct a searching survey of the whole machinery for the administration of criminal justice.

The Cleveland Foundation conducted this survey in 1921. The survey found that the outstanding shortcomings of the administration of criminal justice in Cleveland were the following:

An antiquated police system, made up of men "singularly free from scandal and vicious corruption but working in a rut, without intelligence or constructive policy on an unimaginative perfunctory routine";

Prosecutors, poorly equipped and qualified for their work, politically selected, underpaid, trying to cope with a tremendous volume of business and revealing in their work a condition of "serial unpreparedness";

Judges, theoretically removed from partisanship by the non-partisan ballot, but embarrassed by the need of carrying on a constant campaign for re-election, subjected to pressure from yellow newspaper enterprise and from racial and economic groups, with little incentive to conduct their work with energy and spirit;

Daily newspapers, exploiting the sensational and unusual, playing up "crime waves" when such "waves" do not exist, advertising the mountebank judge or prosecutor and neglecting the prosaic, but conscientious public servant, interfering with the capture of criminals by premature publicity, and coloring public opinion during sensational trials to the extent, perhaps, of influencing juries to follow the news rather than the evidence;

A bar, with its leading members too absorbed in the commercial aspects of their profession and little interested in the improvement of conditions in the courts, with a large proportion of its members poorly educated and organized only in a bar association existing until recently merely to "memorialize its dead members."

Back of it all a public uninformed, unorganized, without leadership, suffering these conditions with lazy complacency.

THE ASSOCIATION FOR CRIMINAL JUSTICE

The primary object of the Foundation in conducting the survey was to stimulate public interest in the long, difficult and prosaic job of rebuilding the machinery of justice more nearly in line with modern needs and conditions. The publication of the survey was only the beginning of reform. Under the leadership of the Bar Association, an organization was formed which is known as The Cleveland Association for Criminal Justice. It is a federation of thirteen of the great civic organizations of the city and it has as its object the improvement of the administration of criminal justice. Some idea of the civic power which it represents is indicated by its member organizations which include The Cleveland Bar Association, The Cleveland Automobile Club, The Cleveland Chamber of Commerce, The Cleveland Advertising Club, The Cleveland Academy of Medicine, The Cleveland Real Estate Board, The Civic League of Cleveland, The League of Women Voters, The Women's City Club, The Cleveland Builders Exchange, The Cuyahoga County Council of the American Legion, The Cleveland Chamber of Industry, and the Industrial Association. Through this organization there has been welded into a unified body the aggregate power and influence of agencies aggregating in membership 75,000 of the city's best citizens. The organization has now been in existence since January, 1922. During its first year it was financed by private subscriptions; at present it is supported by the Community Fund.

CARD INDEX OF ALL FELONIES

The basis of the work of The Cleveland Association for Criminal Justice is a complete card index of felonies committed in Cleveland. This record shows all of the facts of record in each case and constitutes a more complete record of crime than is maintained by all of the public agencies of the city combined. It reveals the status of each case, the judges, prosecutors, police officers, bondsmen, and lawyers involved and almost automatically throws out a warning when the process of justice is diverted or halted without legitimate reason. This corrects at once the condition which permitted professional bondsmen and lawyers of the underworld to operate with the assurance that they would leave no tracks behind. In addition to its card index of crime, the Association maintains observers in constant attendance at the criminal courts acting in a sense as the "eyes of the public." Special cases have been carefully investigated and quarterly reports are issued informing the public concerning the quantity and quality of crime, giving public officials deserved credit and, when necessary, fearless criticism. In sixteen months of operation, the Association has become a force to be reckoned with, representing actively a public interest long neglected, giving assistance where possible and practicable, fair and helpful toward officials but a constant menace to the forces which so long diverted the course of justice in the interest of private gain. It has made a place for itself in the civic life of the community.

Since 1921 other civic forces have been increasingly active in this field. The Cleveland Automobile Club is probably the most virile and aggressive civic organization in the city. It has over 33,000 members and an annual budget of more than $300,000. It has made a direct and powerful attack upon the problem of automobile stealing with the result that in three years automobile thefts have been

cut 36 per cent. On account of the fact that automobile thieves are often experienced general criminals, and that automobile stealing has become a very important accessory to other sorts of crimes, a force which acts against automobile stealing has had a very real effect upon crime in general.

The Bar Association within three years has emerged from its lethargy and has helped to make the judges more independent of the forces which have hampered their effectiveness.

CONCRETE IMPROVEMENTS

Through the aggregate effort of these and other civic bodies a number of improvements have been made since the publication of the Foundation survey in 1921.

1. Cleveland has had probation in its municipal and juvenile courts for a long time. In 1921 there was created a greatly needed probation department in the higher court of common pleas.

2. The legislature of 1923 passed a bill, prepared and sponsored by the Bar Association, providing for a chief justice of the common pleas court. This was one of the most important recommendations of the survey. It provides an executive head for a court consisting of twelve judges with both civil and criminal jurisdiction.

3. Better prosecutors have held office since the survey. An entirely new staff of municipal prosecutors was appointed by the new city administration in January, 1922. This group is really non-partisan and of genuinely good quality. The county prosecutor's office has also greatly improved both in personnel and methods.

4. After a deadlock of six years, with the defeat of four bond issues for a new criminal courts and jail building, a group of civic agencies co-operating with county officials has secured an agreement upon a new plan which will probably result in a new and modern criminal justice building.

5. More effective grand juries have been appointed during the past two years. Judges have appointed men and women of standing to this important duty, and people thus summoned have given their services willingly.

6. The Bar Association, following a suggestion of the survey, now secures a poll of the members as to the retention of judges whose terms expire, and actively campaigns for their re-election. In the last judicial election all the candidates for re-election kept out of the campaign themselves (an amazing and unprecedented proceeding) while the Bar Association carried on a vigorous campaign and re-elected them all. Such a policy should result in more independence for the judges in office.

7. Largely due to efforts centered in Cleveland, the rules for admission to the bar have been strengthened to the extent of requiring night law schools to lengthen their courses from three to four years and to raise their entrance requirements.

SOME OLD HABITS PERSIST

It would be a most unintelligent optimism to claim or seem to claim that in two years the long established and well-known shortcomings of the administration of criminal justice in this modern community have been entirely corrected. Much remains to be done before Cleveland can even approximate the effectiveness which the need demands. Some of the old vicious habits persist in spite of an unquestioned will to reform. The police department is still in a rut although there is less of the old confusion of responsibility among mayor, civil service commission, director of safety and chief of police. Police

records are still inadequate and unreliable. Some newspapers still tell the world (and criminals) where police are seeking for suspected offenders and in every sensational case cater to the low, morbid instincts of the community. The "performing" judge still makes his occasional appeals to the grand stand. Prosecution is still occasionally careless and perfunctory.

But during the months which have passed since the publication of the survey and the formation of the Association for Criminal Justice there has been a most encouraging diminution in crime. To say that this fact has resulted directly from any single factor would undoubtedly be dangerous, as there are many quite obvious contributing causes. Everything indicates, however, that there really has been a definite stiffening of prosecution in Cleveland which has been almost exactly contemporaneous with the increased public interest since 1921 and the very active work of the Association for Criminal Justice and the Automobile Club. The following table indicates the total number of three typical crimes in three years:

CRIMES IN CLEVELAND DURING THREE YEARS

	1920	1921	1922
Robbery and assault to rob....	1,188	1,043	699
Burglary and housebreaking....	2,302	2,573	1,672
Auto thefts.....	2,663	2,374	1,716

CLEVELAND AND OTHER CITIES COMPARED

Another way to measure Cleveland's improvement during the past three years is by a comparison with similar cities. We have selected Buffalo and Detroit because they are like Cleveland in size, geographical location, and in the character of their population and industries. Three of the major crimes have been selected for the comparison, burglary, robbery, and auto stealing. In order to bring the comparison down to date, we have considered only the months of March and April for 1921, 1922 and 1923.

TOTAL CASES OF BURGLARY, ROBBERY AND AUTO STEALING REPORTED IN BUFFALO, DETROIT AND CLEVELAND IN MARCH AND APRIL, 1921, 1922 AND 1923

	Burglary			Robbery			Auto stealing		
	Buffalo	Detroit	Cleveland	Buffalo	Detroit	Cleveland	Buffalo	Detroit	Cleveland
1921.....	177	61	227	18	45	181	184	569	476
1922.....	100	137	191	18	74	132	283	612	287
1923.....	76	49	88	31	71	39	393	591	291

PERCENTAGES OF CASES OF BURGLARY, ROBBERY AND AUTO STEALING IN BUFFALO, DETROIT AND CLEVELAND IN MARCH AND APRIL, 1921, 1922 AND 1923, WITH 1921 FIGURES AT 100 PER CENT

	Burglary			Robbery			Auto stealing		
	Buffalo	Detroit	Cleveland	Buffalo	Detroit	Cleveland	Buffalo	Detroit	Cleveland
1921.....	100	100	100	100	100	100	100	100	100
1922.....	56	224	84	100	164	73	154	107	60
1923.....	43	80	39	172	158	21	214	104	61

Reduced to their simplest terms these statistics reveal the following comparisons:

REPORTED CASES OF BURGLARY, ROBBERY AND AUTO STEALING IN MARCH AND APRIL OF 1922 AND 1923 IN THREE CITIES, FOR EACH TEN CRIMES OF THESE SORTS REPORTED IN THE SAME MONTHS OF 1921

	Buffalo	Detroit	Cleveland
1921	10	10	10
1922	11	12	7
1923	13	9	5

In short, for every ten crimes of these kinds in these months in 1921 there were in the same months in Buffalo 11 in 1922 and 13 in 1923, in Detroit 12 in 1922 and 9 in 1923, while in Cleveland the number was reduced to 7 in 1922 and to only 5 in 1923.

It is only fair to caution the reader of these statistics that in reporting burglaries and robberies there are variations in the customs of cities and differences in the state statutes defining these crimes. But for the purpose for which these statistics are used here, that is showing the variation of the same crimes from year to year, they are quite reliable and adequate. Of the three cities considered Detroit probably still has the most satisfactory machinery for the administration of criminal justice. Following the establishment of its unified criminal court it enjoyed a considerable falling off in the number of major crimes, and since 1920 has had small and rather constant amount of crime. Upon this background Cleveland's improvement is most impressive.

JUSTICE SPEEDED UP

A still more valuable measure of the increased effectiveness of the administration of criminal justice in Cleveland since before the awakening of public interest is the relative speed with which criminal trials have been completed. It is a commonplace that slow justice is usually a denial of justice. In 1919 the average time in felony cases from arrest to final disposition was 67.8 days. In 1922 this time was cut to 48 days, a net gain of 30 per cent.

In this record of improvement there is much to illustrate a new tendency in public affairs which is not confined to Cleveland. Within the past few years there has been in many cities a fairly definite weakening of party power and responsibility. Moreover, local officials with multiplying duties and an increasing pressure of routine duties, with rare exceptions, find it difficult to plan and think sufficiently to exercise constructive leadership. The function of leadership thus passing from politicians and office holders has to an increasing degree been assumed by civic agencies privately supported. It is significant that the increased effectiveness of law enforcement in Cleveland has been achieved with practically the same officials in office, with few changes in the statutes, and with only minor administrative readjustments. It has come because the forces outside of officialdom have made it clear that the price of continued tenure is a real effort to apprehend and deal properly with professional criminals. Once more we have an illustration of the power of effectively organized and sustained public intelligence.

A REVOLUTION IN MORALS

THE CHANGED PUBLIC OPINION ON VICE

BY JAMES BRONSON REYNOLDS
President, American Institute of Criminal Law and Criminology

The introduction by a distinguished author to our series of articles on the municipal treatment of vice. :: :: :: :: ::

No single sign of Social Progress in the twentieth century is more encouraging than the advance in public morals. A quarter of a century ago, wide spread white slavery of a genuine sort existed; the belief that vice was inevitable and but slightly reducible by public effort was wide spread even among municipal reformers. In all the large cities of this country, tolerated vice paid tribute to the police, and often also to politicians and near statesmen. Women were trained to believe that they must not touch the subject; men were disinclined to do so; the better newspapers avoided reference to it in order that the homes which they entered might not be shocked and tainted, while the lower grade papers went as far as the police would permit, and farther than decency would admit in reporting salacious cases in the criminal courts. Every city had its red light district, and officials and good citizens joined in declaring that it was necessary to keep vice in its proper quarter to protect the virtue of the truly virtuous. A questionnaire issued to the chief police authorities in fifty leading cities in 1910 brought the opinion from forty-eight that a segregated district was necessary or desirable and the only restraint upon it should be health measures and efficient police service to prevent unusual acts of violence. The president of one of the largest universities in the country advised the police commissioner of a reform administration that toleration and segregation were the only safe methods for dealing with this difficult problem. These opinions were not unusual, but expressed the general view of the wise at that time.

The most difficult feature of the situation was the ignorance of the better element. The cynic, the man about town, and corrupt police officials were the only ones in possession of facts. Their most determined opponents were sentimentalists, who told exaggerated tales, manifestly untrue or of very exceptional occurrence. Hence, it was not surprising that the conflict between vice and morality was an unequal one.

Before stating the changes of the last twenty-five years, let us review in outline the history of this country in relation to this ancient evil. The history of vice is synchronous with that of crime in other fields, and its rise and growth vary with the varying economic and social conditions of this country.

I

Our first social period was the Colonial, covering our record until the War of the Revolution. Life was simple and wealth scarce. There was little money for light entertainment or self-

ED. NOTE: This is the first of a series of articles upon the present attitude of the principal cities towards vice. Each subsequent article will be devoted to a single city.

indulgence. The city of the present day was unknown. The victims of vice and the scarlet woman were chance creations and probably largely of the class now reckoned as mentally defective. A notable instance of the sort is the female founder of the Jukes family, who was a half-witted servant girl in a cheap old-time inn. Immigration in the Colonial period undoubtedly contributed to debauchery. While some of the best of the Colonists left their homes for conscience's sake and "for the God their foes denied," not a few also left their country for their country's good. Among such, male and female offenders were perhaps of equal number. History records that shiploads of young women were several times sent to the Colonies to provide wives for the planters and farmers. Public authorities frequently took advantage of the opportunity to relieve themselves of the female scum of the community, who, once landed, did business after the manner of their kind.

The unloading by Europe of undesirable female emigrants, the natural and usual percentage of mental deficiency, both male and female, and the tendency of a certain number of low-grade inns in all countries and in all ages to become purveyors of vice, gradually produced disorderly houses known to the rough teamsters, who were the leading carriers of provisions and supplies in the Colonial period, and to such travelers and others as were inclined to frequent abodes of debauchery.

Public action was limited to the suppression of the above resorts when they were carried to the extent of becoming centers of violence, resorted to by thieves and other disorderly characters. But the conception of the responsibility of the state among the colonists envisaged only crimes of violence affecting property and the person, and did not in the least deal with problems of morals. An examination of the penal code of any of the colonies before the Revolution emphasizes the limited scope of the law and the extent to which every man did that which was right in his own eyes. We see, therefore, that the beginnings of the morals problem, and the development of its material were clearly in evidence, but that the problem itself had not taken shape as it existed in Europe, and as it came to be later in this country.

II

Our next period dates from the War of the Revolution to the end of the Civil War. In this, two thirds of the population still lived in the open country. Cities at first were few and small, but after 1830, with the beginnings of railroads and of the factory system, the suction power of cities began to be felt, and in the last half of the period, the morals problem in the city was a real one. The laws of the country were shaped by the strong individualistic independence of the farming class. Judges, prosecuting attorneys, and other restricting and restraining agents of law and order were regarded with suspicion, as the tools of tyranny. The fathers and grandfathers of the first two generations had applauded the French Revolution, and its kicking off of all restraint from higher authorities. Men with such an attitude of mind were not prepared to institute protective laws for an element, whose mental weaknesses and other grounds for a lack of self protective power were not understood. The new industrialism of the factory system was rapidly coming to be, but adequate factory laws for the simplest protection of physical health and economic well being were of slow development, and

only achieved after a half century of strenuous conflict. The remoter problems of moral self defense of any single element inarticulate in proclaiming its needs were neither seen nor expressed.

We may quote as revealing the opinion of the time the statement of Dr. W. W. Sanger: "Few love to know the secret springs from which prostitution emanates; few are anxious to know how wide the stream extends; few have any desire to know the devastation it causes. . . . He, who does allude to the subject of prostitution in any other than a mysterious and whispered manner, must be prepared to meet the frowns and censure of society." The conclusions reached by Dr. Sanger, the most careful, most dispassionate, most thorough and most highly qualified student of vice in this country in the last century, also merit quotation. He says: "Stripped of the veil of secrecy which has enveloped it, there appears a vice arising from an inextinguishable natural impulse on the part of one sex, fostered by confiding weakness in the other; from social disabilities on one side, and social oppression on the other; from the wiles of the deceiver working upon unsuspecting credulity; and, finally, from the stern necessity to live."

Nevertheless, the morals problem of the city grew apace. The results of a single appraisal of moral conditions in this period may be cited: Dr. Sanger, who was then resident physician of Blackwell's Island, New York, made in 1857 the first serious study of vice conditions in any American city. He obtained the aid of the mayor, the chief of police and other health and police officers, and the results of a two years' statistical study were important and informing. The population of New York was 515,547 in 1850. As evidencing the suction power of the city, it may be noted, that of 762 prostitutes found in New York and born in the United States, 394 were from New York state, 71 from Massachusetts, 77 from Pennsylvania, 69 from New Jersey, 42 from Connecticut, and 24 from Maine. Six other states contributed more than five. The southern states altogether added 12 women, and the western states the same number. The writer notes that Maine with a population of 580,000 sent 24 women, while Virginia, with 1,421,000 contributed but nine. These states were about equidistant from New York. The statistician tries without confidence of success, to explain why Maine sent so disproportionate a number. His conclusion seems to be that the employment of females in manufacturing and sedentary occupations explains the easier exploitation of girls and women in the New England and the middle states, in comparison with the southern and western states, where the factory system was much less developed.

Instructive also, are the answers of 1,238 prostitutes to the question, "What induced you to emigrate to the United States?" That the search for economic well-being even at that time was beset with many pitfalls was suggested by the reply of 411, that they came to improve their condition. Only 91 came from causes likely to land them in vice. These were ill usage of parents, running away from home, and coming with their seducers. The educational condition of 2,000 reveals a higher grade of schooling than was shown by similar inquiries in the first decade of this century. Seven hundred and fourteen of the 2,000 could read and write well, and only 521 were uneducated. As to the cause of becoming prostitutes, out of 2,000, 525 claimed destitution, 513 admitted inclination, 258 seduction, 181 drink

(this was before the Volstead act!), 164 ill treatment of relatives, and 134 desire for an easy life. As to previous occupations, the answers were not dissimilar to most canvasses of this class. Nearly one-half of 2,000 had been in domestic service; one quarter were living with their families or friends and three-fourths of the remainder were in factories or work-shops. While but few claimed to have entered prostitution solely because of necessity to earn a livelihood, over 1,000 stated that they were earning less than four dollars a week. In other words, starvation wages had been an important contributor to their downfall. It seems surprising, but is perhaps only to be taken as recognizing the large proportion of that element of the population, and the coarseness of the life in many cases that 440 of the 2,000 stated that their fathers were farmers. Less than 40 reported their fathers as belonging to the professional classes, while only 24 fathers were manufacturers, and 37 merchants.

Here certainly, was a full blown problem of morals, discreditable to the commercial capital of the new country, "conceived in liberty, and dedicated to the proposition, that all men are created equal." Orators of the period used to say "free and equal." Evidently, people are created neither free nor equal. Of all the creeping things that creep on the face of the earth, the human beast is the least free and the most and longest dependent, while equality does not exist in any sense even within the family circle.

The painstaking report of Dr. Sanger produced a profound impression and extended discussion, with only the limitation that the subject was tabooed as a topic for general consideration. But neither heredity nor environment were understood, and the inequalities of mental and emotional character were not appreciated by even the professional class.

The conditions revealed in New York in 1857 were similar to those which arose in other large cities in the country which developed from 1870 to 1900. Voices of protest began to be raised first by individuals, and then by the churches and a few organizations, but public officials had no standards and no conception of the problem, which promised or produced constructive results. Even municipal reformers were unwilling to touch it, and less willing to be involved in any alliance with the emotional advocates of suppression. Law givers, under pressure, passed laws, making prostitutes vagrants, and suppressing houses of prostitution, but such laws were defectively enforced for a quarter of a century, and used by the police mainly as a club to repress malefactors who became too ostentatious.

III

In the meantime, with the increasing intimacy of the relations between this country and Europe, the discussion of the problem then attracted attention in our own country. The earnest and brilliant speeches against the traffic in women of Josephine Butler in England, and the sensational exposures in London by William T. Stead in 1885 impressed Europe as well as England with the belief that a traffic as well as a vice was at issue. In 1889, under the leadership of William A. Coote of the National Vigilance Committee, an epoch making international conference was called in England. Able and representative people of many nations were present. Their testimony agreed that an international traffic existed, wide spread and sinister. Greed of gain was its motive, and the helplessness of the victims furnished the ground of exploitation. It was not a mere

question of supply and demand, but one of a stimulated supply and demand from commercial agents, and corrupt officials in every country, and instances were not lacking, that even in the best governed countries, there were officials, who yielded to temptation. Not less startling was the fact established that the traffic was largely international, and that this characteristic was due to the further fact that by transportation to other lands, the victims of one country were reduced to a condition of helplessness, that made them veritable slaves of their masters. It therefore became evident that no one country alone could solve the problem, nor successfully attack the traffic. It was a world problem, as general human slavery had been before it.

Aroused by the unanimous protest of the delegates at the London Conference, in 1902, the French Government summoned a world congress of official representatives of different governments to meet in Paris. By them, a treaty was drafted, pledging the signers to common measures for the suppression of the international traffic, and the punishment of any found catering thereto. This treaty was ratified by nearly all the governments of Europe, except Turkey, and in 1906, by the American government. Both the London conference and the official congress in Paris demonstrated that America was involved in the traffic in women as well, and probably as much as Europe, and that the stream of emigration from Europe to America was polluted by the presence of procurers and their victims.

IV

America was further enlightened by the discoveries of medical science, the new science of public hygiene and the new body of educated social reformers. Thus, with the opening of the twentieth century, the time was ripe for a new movement of moral reform on a new basis and with the fullness of time, action was not delayed. The United States Congress in 1906 created a National Immigration Committee, which made an elaborate study of the whole problem of immigration. The importation of women for immoral purposes was carefully examined, and the conclusions reached were no less startling and stirring to the moral sense of this country than those previously established. The work of this committee led to the passage of two national laws, known as the Bennet and Mann laws. These enlisted the aid of the national government in the crusade, thus seriously undertaken by the entire resources of the national government.

Nor were state governments idle. The National Vigilance Committee, an organization formed to suppress commercialized vice, and official tolerance or regulation of it, drafted what became known as a State White Slave Law, which was rapidly adopted by all or nearly all the states of the Union. This was followed, a few years later, by an Injunction and Abatement Law. The former act aimed at the successful prosecution of procurers and promoters of vice, and the latter at the suppression of disorderly houses as a public nuisance. Meanwhile, grand juries in different parts of the country were conducting their own inquiries, and in every instance, rendered an uncompromising condemnation of the traffic in women and a demand for more strenuous official action for its suppression.

Cities also made an important contribution to the attack on entrenched vice. Municipal commissions were created to investigate moral conditions in Chicago, Minneapolis, Philadelphia, and a dozen other centers. These commissions were usually composed of

women and men of the educated class which formerly had avoided combat with so disagreeable a topic. Their inquiries were sober and dispassionate. With no single exception their conclusions were that segregated districts did not segregate prostitution, that toleration did not reduce the evil nor protect virtuous women, but that on the contrary the removal of "red lights" districts in a city tended to reduce vice in other sections.

One further potent influence is to be recorded. When the World War began, the American government, on entering the conflict, resolved that its soldiers should not be debauched as had been the soldiers of certain other countries, in shocking numbers during the first two years of the war. It had been the habit of all countries in the war, to consider that the practice of vice was inevitable or necessary for a large percentage of their soldiers, and to make little if any effort to prevent the practice, and very little successful effort to reduce the evil effects of it among their soldiers. The American government, both civil and military, grappled with the problem, on the assumption that vice was not necessary, and that the volume of it could be reduced. Recreative substitutes were provided, and strong prohibitive measures adopted. Particular attention was directed to the training camps in this country, and especially able officers were appointed, who conducted relentless warfare against all denizens and abodes of vice, within reach of army camps. These efforts strengthened the rising tide of determination throughout the country, that all toleration and segregation of commercialized vice must go, and promoted an uncompromising warfare against commercialized vice.

One cannot review the history of the vice problem and the public attitude toward it, without being profoundly impressed by the development of public sentiment relating to it along with the development of the evil itself. The toleration of commercialized vice is to-day advocated only by those ignorant of the studies of the subject during the last twenty-five years, and of the unanimous conclusions reached by official and unofficial commissions, grand juries, and civic bodies. To the conclusions thus reached, there has been no reply or denial by any governmental body, or civic organization, nor any seriously considered protest over the signatures of citizens of any country. The verdict of civilization, which forty years ago would have been that commercialized vice was inevitable and could only be regulated, and thereby slightly reduced, to-day is practically unanimous that society must conduct eternal warfare against its promoters, whatever be their relations to it.

One of the admitted services of the League of Nations has been its vigorous promotion of joint action against international commerce in women by all the fifty-two nations, which constitute its members. Even our own lagging country has ventured to take an official share in such action. Is it too much to believe that one more form of human slavery is doomed, and that it will only continue in uncivilized portions of the earth? "Fondly do we hope, fervently do we pray," that this belief will be justified.

ADMINISTRATIVE REORGANIZATION IN TENNESSEE

BY A. E. BUCK
New York Bureau of Municipal Research

Tennessee has broken the "Solid South" by the adoption of an administrative consolidation plan, the simplest which any state has yet accepted. Ousted officeholders contested the measure in the courts, providing the first occasion upon which the constitutional principles of consolidation have been judicially tested. :: :: :: ::

TENNESSEE now enjoys the distinction of being the first southern state to reorganize her administration. In this reorganization she has gone even further than the states in other sections of the country toward setting up a simple, direct, responsible government. This is due, in a measure, to the lack of detailed provisions in the state constitution relative to administrative organization. The governor is the only elective constitutional officer. There is no lieutenant governor; the speaker of the senate succeeds the governor in case his office becomes vacant. The only other constitutional administrative officers, besides the governor, are the secretary of state, the comptroller, the treasurer, the attorney general, and the adjutant general. The first three of these are appointed by the legislature, the fourth by the supreme court, and the fifth by the governor. Thus, complete reorganization of the state's activities was hampered by few constitutional restrictions.

STEPS TOWARD REORGANIZATION

Back in 1921 some citizens of Nashville became interested in administrative reorganization, and provided for a brief study of the existing organization of the state government. This resulted in the introduction in the 1921 legislature of a bill providing for a plan of consolidation, but it failed to get any serious consideration on the part of the legislature. However, this beginning coupled with the general financial condition of the state served to make reorganization an issue in the following gubernatorial campaign, which resulted in the election of Governor Austin Peay in November, 1922. At this time, the writer had about finished a survey of the various offices, boards, departments and agencies of the state government for the Nashville Chamber of Commerce. It was the intention of the Chamber to distribute a report on this survey over the state and to assist in securing the adoption of a plan of state reorganization. During the campaign, Governor Peay had pledged himself, among other things, to a reorganization of the administrative system of the state looking to economy and efficiency. Immediately after his election the Chamber of Commerce agreed to turn over the information gathered in the survey to Governor Peay. Thereupon the writer went to the governor's home at Clarksville and assisted him in drafting into a bill the reorganization plan and also in working out a budget to carry on the work of the new organization. Subsequently, during the legislative session, the writer assisted the legislative commit-

tees in working out further legislation and aided the governor in the installation of the new system of administration after its adoption.

LEADERSHIP OF GOVERNOR PEAY

Even before Governor Peay was inaugurated he had won the confidence of the members of the legislature. An overwhelming majority of the members of each house pledged support to the governor in putting through his program. Like the governor, most of the members of the legislature had been elected upon a platform in which state issues, such as taxation and retrenchment, were paramount.

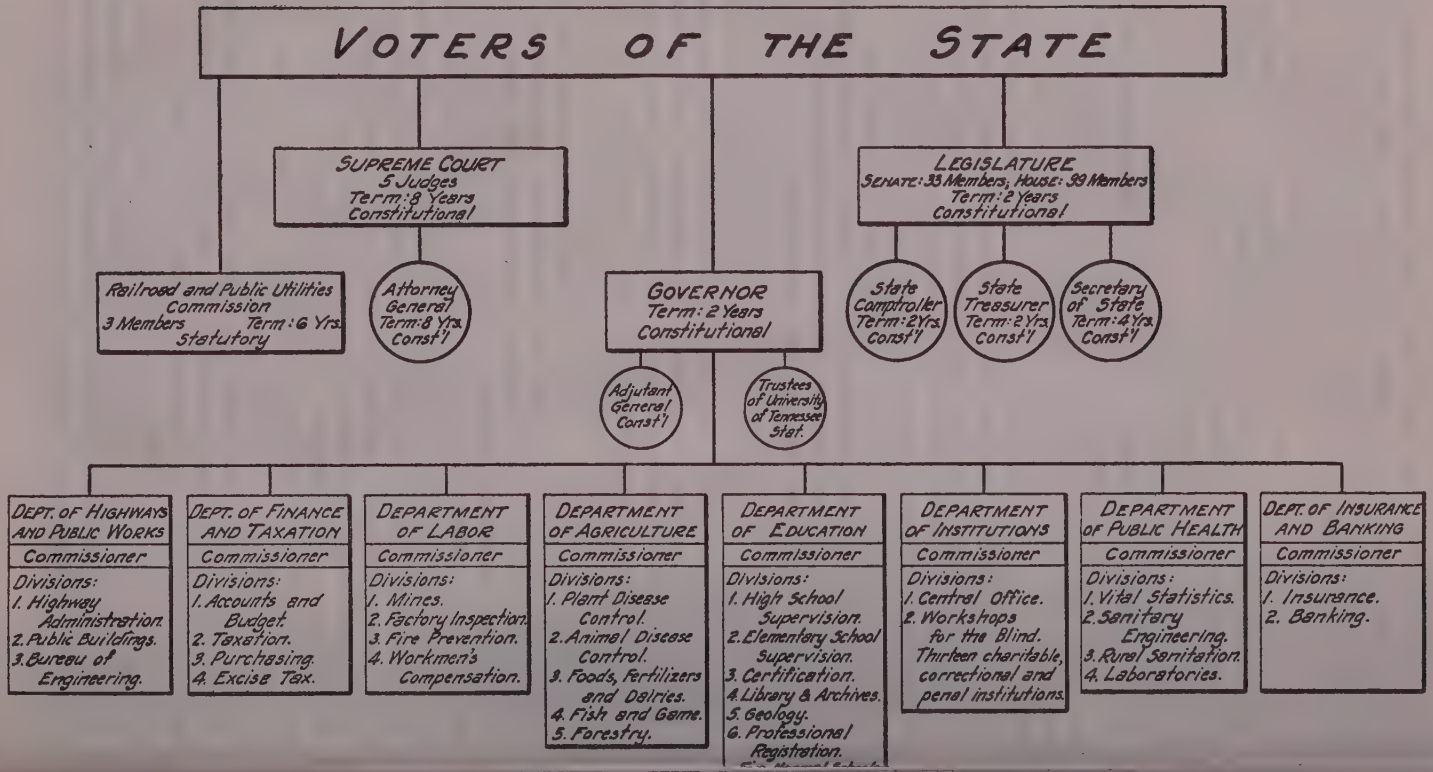
On January 17, the day following his inauguration, Governor Peay sent a message to the legislature in which he outlined his program of legislation. Accompanying this message was the administrative reorganization bill and the general appropriation bill. In his message he pointed out that there was a deficit in state accounts of over $2,500,000, and then remarked: "Something is radically wrong with our system when a large deficit annually results in our accounts. It has been occurring for fifteen years." This he ascribed to the existing state organization which he described as "headless and disjointed" and what amounted to "an assortment of petty governments." After explaining briefly the proposed plan of reorganization, he anticipated that the constitutionality of the bill would be questioned because it disturbed the tenure of officeholders. On this point he said: "The terms of officials so vary in this state, that this reform is impossible, if they cannot be disturbed. This bill is not primarily intended to amend or repeal any existing law. Its purpose is to originate a broad and new administrative scheme in government to promote economy and efficiency. If it cannot be lawfully done in this manner, we had as well know that fact and resign ourselves to bankruptcy. The state government has passed the point where the present system can be judiciously administered." With this explanation he asked that the legislature give the bill its prompt attention.

THE REORGANIZATION PLAN

The reorganization act passed the legislature and was approved by the governor on January 31. It created eight administrative departments, as follows: Finance and taxation, agriculture, highways and public works, education, institutions, public health, insurance and banking, and labor. Forty-nine statutory offices, boards, bureaus and agencies of the state government were abolished and their functions consolidated in these eight departments. In addition, some of the statutory duties of the constitutional administrative officers were transferred to the new departments. In control of each department is a single head, called the commissioner, who is appointed by the governor without confirmation by the senate. These commissioners hold office at the pleasure of the governor. Their salaries range from $4,000 to $5,000 per year. All subordinate officers and employees in the departments are appointed by the commissioners, with the approval of the governor, and subject to the employment regulations established by the department of finance and taxation. Each department is required to maintain a central office at the capitol and to keep this office open for business from 8.30 in the morning to 4.30 in the afternoon during each week day.

Only one statutory agency was not included in the reorganization plan which might have been consolidated, viz., the railroad and public utilities

TENNESSEE
ORGANIZATION OF STATE GOVERNMENT UNDER THE REORGANIZATION ACT OF 1923



commission. At the time the legislature was in session, there was wide difference of opinion in the state as to what the scope of the powers of this commission should be, especially with reference to the regulation of local utilities. Undoubtedly, a change in the organization and duties of this commission will be made the next time the legislature meets.

THE NEW DEPARTMENTS AND THEIR ACTIVITIES

A glance at the accompanying chart will give the reader an idea of the internal organization of the various departments and the general distribution of the activities. Each division is headed by a single officer, called in most cases a superintendent.

The department of finance and taxation is the hub of the administrative wheel. It has supervisory control over all the expenditures and collections of the state government. It keeps the central accounts covering the state's fiscal operations. It controls the purchase of all supplies, materials, equipment and services for the state departments and offices. It gathers the information and prepares the state budget for the governor, who passes upon it and presents it to the legislature. It classifies employees in the different departments and institutions and regulates the disposition of office forces when not operating to the best advantage. It regulates and equalizes the assessment of general property for taxation, assesses and collects inheritance taxes, and issues motor vehicle licenses. The administration of the excise tax on corporations and the supervision of the gasoline tax, taxes authorized by the 1923 legislature, are also placed under this department. The general property equalization and the adjustment of inheritance taxes are functions of the department of finance and taxation which are finally passed on by a board consisting of the head of the department, the head of the division of taxation, the governor, the treasurer, and the secretary of state. The state funding board and the Confederate pension board are both associated with the department of finance and taxation for purposes of administration.

The department of agriculture is concerned with the control of plant and animal diseases, the inspection of foods, feeds, seeds, fertilizers, and dairies, the enforcement of fish and game regulations, and the preservation of forests. Two advisory, non-paid boards are provided for in connection with the work of this department, one on forest conservation and the other on fish and game. By an act passed after the reorganization act the legislature abolished the board of fair trustees and placed the supervision of the distribution of state money for fair purposes under the department of agriculture.

The department of highways and public works has charge of the construction and maintenance of the state highway system, enforces traffic regulations, supervises the erection of public buildings, provides plans for institutional development, and exercises general custodial supervision over the capitol buildings and grounds and other public property.

The department of education supervises the elementary and high school work of the state. This department also includes the state library and archives, the traveling libraries, the state land records, and the geological work. It has supervision over the records of the thirteen state boards that conduct examinations for licenses in the various trades and professions. The state board of education, of which the head of the department is chairman,

is associated with the department and supervises the administration of the five state normals and the federal funds for vocational purposes. The financial supervision of the normals, however, is under the department of finance and taxation.

The department of institutions has charge of what are commonly termed the public welfare activities and institutions of the state. Under it are thirteen charitable, correctional, and penal institutions, and the workshops for the blind. The department of health has under its supervision all of the public health activities of the state. The governor may appoint a non-paid, advisory council of five members to serve in connection with this department. The department of insurance and banking regulates insurance companies, supervises building and loan associations, examines banks, and regulates investment companies (blue sky). The department of labor is charged with the inspection of mines, factories, workshops, and hotels, the enforcement of fire prevention regulations, and the administration of the workmen's compensation and child labor laws.

SOME DISTINCTIVE FEATURES OF THE PLAN

Under the organization briefly outlined above, the governor has been made responsible for the administration of the state government to a degree not attained so far by any other state reorganization. Excepting the limited amount of administrative work that falls to the other constitutional officers, the governor has complete control over the administrative activities of the state government. This does not mean, however, that the governor can become an autocrat in his office, for he must give a complete account of his administration to the legislature and he is at all times responsible directly to the people of the state. If his administration is a failure, the people know who is to blame. The governor can no longer make plausible excuses for his failure to get results, or hide behind the complicated and disjointed machinery of administration.

The governor is required to submit to the legislature a budget, covering the expenditure needs of the state government and the means of financing these needs. This information will be made public and will be one of the best means of checking up the success or failure of the administration. After appropriations have been made by the legislature, the centralized administration will insure that all expenditures will be made economically and that deficits will not be incurred.

This plan practically eliminates boards from all administrative work of the departments and from all quasi-judicial and quasi-legislative work, as well, of the departments. The administration and direction of such functions as taxation, workmen's compensation, blue sky regulation, child labor enforcement, health, institutions, highways, and education are in the hands of single individuals. This leaves no doubt as to responsibility for action or inaction, and serves to expedite the state's business.

OPPONENTS APPEAL TO THE COURTS—TEMPORARY RESTRAINING ORDER GRANTED

In Tennessee the fight against the reorganization plan was not made in the legislature, as has been the case in most of the states, but in the courts. On February 1, the day the reorganization act went into operation, certain ousted officials, namely, the members of the highway commission, the tax commissioner, the members of the state board of equalization, and the warden

of the state penitentiary, sought an injunction preventing the reorganization act from taking effect with reference to their offices. A temporary injunction was granted the same day by Chancellor John R. Aust, and a hearing was set for February 9, on which day arguments were heard and the chancellor took the cases under advisement. In the three bills filed with the chancellor, which were consolidated by agreement at the time of the hearing, the complainants charged (1) that the reorganization act was void because it did not conform to certain provisions of the constitution as to form, (2) that it delegated legislative and judicial powers to the executive and was therefore in conflict with the constitutional separation of powers, (3) that there was irregularity in the passage of the act by the legislature, (4) that the act deprived the complainants of their offices, but did not abolish these offices—merely changing the names, (5) that there were numerous incongruities in the act, and (6) that the plan would not promote economy or efficiency in the administration of state affairs.

INJUNCTION DENIED BY CHANCELLOR

On February 12, Chancellor Aust handed down an opinion in which he refused to grant the complainants an injunction and upheld the constitutionality of the reorganization act in all its provisions, except section 14, relating to the power of the legislature to appropriate funds. He held that the title of the act was single in purpose and yet sufficiently broad to admit of all legislation tending to the reorganization of the state government, and that it was unnecessary to recite in the title the caption or substance of all the laws repealed or amended by the act. He held that while the right to hold a public office was a species of property, it did not entitle the officer to the compensation as under a contract, but that the person took the office subject to the authority of the creating power to change the compensation or discontinue the office. He held that the final passage of the act by the house was regular and that it complied with the provisions of the constitution. The other charges he considered briefly and dismissed as being without weight in the determination of the case.

Immediately following denial of the injunction by the chancellor an appeal to the supreme court of the state was granted the complainants, but the new departments were permitted to take over the work of the contested offices at once, which was done.

CASE BEFORE THE STATE SUPREME COURT

The case against the reorganization act came up and was argued before the supreme court on March 15 and 16. The attorneys for the appellants submitted to the court a printed brief of 95 pages in which they outlined and assigned as errors the charges in the original bills for injunction and argued at length, citing numerous court decisions, in support of these charges. In conclusion this brief says: "If this act is held to be constitutional, the next legislature can pass a more radical law. The state will be continually reorganized. It can be ripped fore and aft, from one end to the other, and from one administration to another, and no one can view with complacency what the end will be. . . . The backers of this radical legislation have drawn inspiration from the unrest of the people occasioned by times that have been extraordinary."

The attorneys for the defendants presented to the court a printed brief of 40 pages in which they answered the arguments of the attorneys for the

appellants, and concluded as follows: "The act under consideration is more distinctly and clearly an act to establish a new system or scheme of government than any act of the legislature within the past half century. . . . There is nothing radical or revolutionary about this act. . . . The legislature made the laws that this act undertakes to change. The changes are entirely within its power to make, and always have been. The only question at all is whether the benefits of the act shall be postponed until the expiration of the terms of certain subordinate officers. That is what the fight is over. . . . The principle sought to be given effect in this act is fundamentally a sound one. It reinstates the governor as the head of the state's business affairs. We cannot very well do worse than we have in the past. The new system is not a selfish one. . . . It is at least worth trying."

DECISION OF THE SUPREME COURT

On March 31, the state supreme court delivered an opinion in which it upheld the constitutional validity of the reorganization act. This opinion should be of special interest, since it is the first time a case involving the principles of a state reorganization plan has been tested in the courts. The reorganization acts of Ohio and Washington were before the courts, but only on the point of the constitutionality of the use of the emergency clause.

The opinion of the supreme court (*House* vs. *Creveling*, 250 S. W. Reporter) on the different charges was briefly as follows:

1. Upon the charge that the act violates certain provisions of the constitution as to form, the court held that the act relates entirely to one subject, namely, the reorganization of the state administration. This is made perfectly clear from reading the caption. The contents of the act, therefore, are not broader than the caption. Where an act proposes to repeal or amend several laws relating to one subject, it is not necessary for it to recite the title or substance of each previous law in the caption. This would have made the caption as voluminous almost as the body of the act.

2. Upon the charge that the act delegates legislative and judicial powers to the executive in conflict with the constitution, the court said: "The fact that certain limited judicial and legislative powers are conferred upon executive officers does not change their status as such officers, nor is it inappropriate or beyond the scope of a statute dealing with executive officers to confer such powers."

3. Upon the charge that there was irregularity in the passage of the act by the legislature, the court stated that it found no evidence on the journal that the bill was not properly submitted for final passage in the house after it was returned to that body with the senate amendments. Although the aye and no vote was not recorded on the final passage of the bill, the court did not presume from the mere silence of the journal that the provisions of the constitution had been disregarded.

4. Upon the charge that the act deprived the complainants of their offices without abolishing the offices, the court, after citing a number of Tennessee cases, stated that it was now established law that the legislature may abolish an old plan of government and the offices created for the administration of the old plan. "The rights of the officers thus affected must give way to what the legislature conceives to be the public interest. This, of course, assumes the change in form of govern-

ment to be real and not colorable for the purpose of putting one set of men out of office and another set in office." Unless offices can be abolished, it would be impossible to put a new scheme of government into effect. "There are particular services that must be rendered by some one in any form of government and a new system cannot be stricken down because it proposes to continue to discharge essential duties. Old offices may be abolished, not only when their functions become useless, but when, as constituted, they do not fit into the new scheme." This act inaugurates a new régime. Hereafter, the administration is to be one of centralized power, the governor controlling. Officials, such as the complainants, "otherwise selected than by the governor, not amenable to him, independent of his wishes, with tenures fixed, and broad powers conferred by statute are out of place in the plan adopted. They could defeat the governor's most cherished purpose."

5. Upon the charge that the act contains incongruous matter, the court stated that this was largely a question of fact to be determined by its knowledge of affairs. After a thorough examination of the act the court said: "Its provisions are germane to the title and not incongruous with each other."

6. Upon the charge that the plan does not promote economy and efficiency in administration, the court stated that this question had no bearing on the constitutionality of the act, and declined to go into it. On this point, the chancellor had said in his opinion: "If such charge be true, this appeal should have been made to the legislature, and not to the courts. . . . Courts have no veto over the exercise of lawful power by the legislature, nor can they arrest the execution of a statute even though it could be shown it was unwise, harmful and uneconomical."

On the general principle of centralized executive responsibility upon which the reorganization plan is based, the court said in the conclusion of its opinion: "Since in our opinion it (the plan) deals alone with the duties and functions essentially executive, the centralization of powers does not offend the constitution. All these powers might have been conferred on the governor individually, and he might have been directly charged with their execution had the legislature deemed it feasible and best so to do."

The court acquiesced in the opinion of the chancellor that section 14 of the act was invalid and elided it from the statute.

REDUCTION IN THE COST OF THE STATE GOVERNMENT

Since the Tennessee reorganization plan has been in operation only a short time at this writing, it is not yet possible to show the actual economies that will be made by the application of the business methods instituted by the new system. But it is possible at this time to compare the appropriations made by the 1923 legislature to run the government for the biennium of 1923–1925 with the actual operating expenditures of the old government for the last biennium of 1920–1922. This comparison shows a total reduction in the operating costs of the state government for the next biennial period of $1,547,200. Of this amount, $147,500 is the result of economies on the part of the 1923 legislature, and $177,750 is an estimated reduction in the cost of operating the state judicial system. When these two items have been deducted from the total reduction, there remains $1,221,950, which amount is a reduction in the administrative or

departmental cost of the state government. This latter amount is the direct result of Governor Peay's program of administrative reorganization and retrenchment. In making this reduction all estimates were carefully scrutinized by the governor, who made recommendations to and even worked with the appropriation committees of the legislature, and no worth-while activities of the state were discontinued or hampered by the reduction. According to custom, two appropriation bills were passed by the legislature—a general appropriation bill early in the session and a miscellaneous appropriation bill near the end of the session. All continuing appropriations were repealed by the miscellaneous appropriation bill and definite appropriations were made for the state normals and certain activities of the department of education, which had hitherto been supported by a fixed percentage of the general education funds. All special mill levies, except one for the state university and one for the common schools, were repealed by the legislature, and the state tax rate was reduced from 36 cents to 30 cents on the hundred dollars. Sufficient surplus has recently accumulated in the state treasury to enable the administration to pay off one million dollars of the present deficit. It is expected that the state government will soon be on a sound financial basis and running in a business-like way.

OUR LEGISLATIVE MILLS

III. WISCONSIN

BY WALTER THOMPSON
University of Wisconsin

A keen study of a legislature which has led the way in many reforms of procedure but now suffers for lack of party organization and leadership. Nothing has yet appeared to fill the place of the old-fashioned boss. :: :: :: :: :: :: :: :: :: ::

THE Wisconsin legislature of 1923 was a disappointment. It was a disappointment to those who expected great things from it, a disappointment to those who anticipated radical departures, a disappointment to the members themselves. This is not merely the opinion of an observer. One had only to visit a session in either house and listen to the assertions of the tired members to have this conclusion affirmed. "We are wasting our time with trivial matters; why can't we get together and do something?" This question was repeatedly asked in the early debates last January. After long months the members asked the same question. Either house presented a picture of a parliamentary body composed of relatively competent men, and well equipped with the necessary agencies to expedite lawmaking, but lacking that unity, organization, and leadership without which constructive legislation is extremely difficult.

ORGANIZATION OF THE LEGISLATURE

The constitution of Wisconsin provides that the assembly shall be composed of not less than fifty-four and not more than a hundred members, and that the number of senators shall not be less than a fourth nor more than a third of the number of assemblymen. The experience of Wisconsin has been similar to that of other states in that the two chambers have become as large as the constitution permits. The present assembly is composed of a hundred members, and the senate is made up of thirty-three.

Not a few academic students of political science, as well as men actually engaged in legislation, have suggested the abandonment of the bi-cameral system and the establishment of a single chamber which would be smaller and more adaptable for the enactment of law. These men have urged that there are really no distinctive interests represented in either of the chambers, and that the check and balance system is unnecessary to safeguard individual rights and tends to retard legislation by furnishing an opportunity for controversies and deadlocks. Be this as it may, the last session in Wisconsin gave little evidence of any intention of abandoning or even modifying the bi-cameral system. A resolution passed the assembly which provided for a joint committee to report on changes in the joint rules relative to joint committee hearings. This might have been a step in the direction of joint committee hearings, but the resolution was not concurred in by the senate. Under the present organization, the joint committee on finance is the only joint standing committee. Each chamber maintains its own committee organization and operates independently of the other.

On the whole, the bi-cameral system appears to have justified itself in the present legislature. This does not mean that there have not been different views prevailing in the two chambers with the result that there have been controversies and deadlocks. There have been differences and the result is that legislation has been impeded. Paradoxical as it may seem, it is in this fact that the bi-cameral system is justified. The checking of hasty and unwise legislation is as important as the enactment of laws. No one can seriously argue that the capacity of American legislatures for turning out laws is too limited and should be enlarged. Our legislatures are enacting too many laws rather than too few, and quality rather than quantity should be the standard in judging legislative efficiency. If the bi-cameral system tends to improve the legislative output, if it tends to check unwise legislation, and if it tends to foster enactments more in conformity with the public demand and more conducive to the general welfare, then it is justifying itself. It is idle to urge a speeding up of the legislative machinery at the possible expense of the quality of the legislative output. It is equally foolish to urge the avoidance of conflicts as a panacea in legislative procedure. Conflicts and honest compromises are the very essence of legislation.

During the legislative session of 1921 I happened to meet one of the senators. I asked him about the progress in the legislature and he jokingly replied: "Everything is going lovely. What we pass the assembly rejects, what the assembly passes we reject, and what we both pass the governor vetoes. We haven't done any damage yet." Had the senator spoken seriously he would probably not have stated the case so strongly, but his statement nevertheless is illus-

trative of what may happen under the bi-cameral system when there is a failure to agree. But when the importance of avoiding hasty and unwise legislation is contemplated, it becomes obvious that obstructive practices may have a salutary effect.

SENATE PROVIDES CONSERVATIVE BALANCE

Due to the agitated state of the public mind in Wisconsin, the senate has perhaps saved us from some unwise legislation. The Middle West, and notably Wisconsin, during the last two years has experienced a state of social unrest. This is probably due to economic readjustments made necessary after the war. A large proportion of the people are dissatisfied with existing conditions. They cannot point with exactness to the source of their grievance or suggest specific methods of relief. There has been a spirit of resentment against things as they are. The reaction has been emotional rather than rational, and present indications seem to be that it is temporary rather than permanent. During the summer of 1922 the dissatisfaction was at its height. Naturally it was reflected in the type of men elected to the assembly. Those who win public approval in times of agitation are not the moderate, matter-of-fact, and cautious. Those who can voice the sentiment of classes who feel themselves oppressed, receive the endorsement of those classes. The present assembly, to a greater degree than the senate, has reflected the spirit of 1922. It is questionable if this is a reflection of the real public opinion of the state. It may represent rather a passing sentiment. The senate, on the other hand, elected for a longer period, seems to have maintained a sense of proportion and balance which the assembly has sometimes lacked. The result has been that when the assembly has acted hastily, as in passing an act abolishing the national guard, more sober judgment has prevailed in the senate. The senate has, of course, also been influenced by the prevalent social unrest, but half of its members were elected in 1920 at a time when the popular agitation was less marked. This body therefore probably represents the real public opinion of the state more accurately than the assembly and is less apt to be influenced by a momentary sentiment. However, if there is a real demand for a reform it seems to receive the endorsement of the senate as well as of the assembly. There is thus a combination of a body representing immediate interests and a smaller body assuming a more detached and sober attitude. The arrangement is not entirely satisfactory, but after observing the legislature for several months, one would hesitate to advocate the abandonment of the bi-cameral system.

NOTABLE COMMITTEE SYSTEM—ELECTRIC VOTING

The committee system of the Wisconsin legislature is relatively simple. In the assembly there are twenty-three standing committees, some of which are obsolete. In size these committees range from three to eleven members. In the senate there are only nine standing committees ranging in size from three to seven members. In neither house does a member serve on more than two committees and many serve on only one.

Committee hearings are public and listed on a special calendar. Records of committee hearings are required to be kept. All bills referred to a committee in either house must be reported out of committee and finally disposed of on the floor of the respective chambers after the majority and minority

reports of the committee are in the hands of the members of the house. This insures full publicity of committee proceedings, and no bill is relegated to the wastebasket in the committee room. Every measure receives consideration on the floor of at least one of the chambers. By the end of May in the present session there had been introduced more than fourteen hundred bills and resolutions. Five hundred and forty-three of these measures were introduced in the senate; eight hundred and eighty-eight in the assembly. These measures cannot be finally disposed of by the committees. All must be reported back to the respective chambers for final action. It would probably be impossible to act on such a mass of legislation if the assembly were not equipped with an electrical voting device. By using this mechanism very little time is required for a roll call. The legislator merely presses a button and his vote is registered in view of the whole house. "Aye" is registered by a white light, "No" by a red one. The vote is also recorded on the speaker's desk, and the result is immediately announced. The whole procedure takes but a fraction of a minute. I was seated in the gallery of the assembly during a busy hour in that chamber. Watch in hand, I timed the proceedings. Seven roll calls were demanded and taken, three votes were taken without a roll call, and two amendments were read and adopted. The time required for these proceedings was less than ten minutes. To appreciate the saving realized by the use of the electrical voting machine one has but to consider the time required for a clerk to call the roll of a hundred members.

THE LOBBY REGULATED

Since lobbying in Wisconsin is by law practically limited to appearing before legislative committees, a discussion of the committee system should perhaps contain a word about these regulations. Unfortunately the word "lobby" has become associated with sinister and corrupt influences. For this reason, many well-meaning people have urged the abolition of the practice without considering the effect of such a move upon democratic institutions. The permission of lobbying is necessary for the maintenance of free and democratic government. A citizen in a democracy surely has a right to go to his legislature to secure legislation which is favorable to him, or to discourage the enactment of measures which he deems detrimental. A denial of that right is a blow at democracy, and still when the citizen exercises it he is engaged in lobbying. The practice therefore cannot be abolished, but due to the fact that some persons unscrupulously abuse a right, it has to be regulated.

In Wisconsin all lobbyists representing private interests are required to be registered with the secretary of state. They are registered either as legislative counsels or legislative agents. This registry shows the interests represented by the counsel or agent and the legislation in which he is interested. A legislative counsel or agent cannot appear before a committee unless he is registered. He is also forbidden to appear on the floor of either house, and it is unlawful for him to try to influence individual members privately. This system, while not entirely satisfactory, appears to be a workable solution. The only thing of interest in connection with lobbying that has developed during the present session has been in connection with lobbying by some of the state administrative personnel. During the early days of the session it was charged both by the governor and by members

of the legislature that certain administrative officials were seeking to influence legislation by appearing in the legislative chambers and by personal contact with the legislators. A resolution was introduced in the senate to discourage the practice, but was later rejected as unnecessary.

THE LEGISLATIVE REFERENCE LIBRARY

No study of the Wisconsin legislature would be complete without mention of the Wisconsin legislative reference library and its activities. Started by Dr. Charles McCarthy more than twenty years ago, it has served as a model for similar agencies in other states. The institution is at present under the able direction of E. E. Witte. By a careful and systematic collection and arrangement of material, this library has become a storehouse of ready information for the busy legislator. The personnel of this department have held their positions for years and naturally have accumulated a marvelous amount of information on subjects of interest to a legislator. They are at the service of the legislators, and their services are constantly in demand.

The legislative drafting department is attached to the legislative reference library and is under the direction of the librarian. During the recent session four attorneys were employed and devoted full time to the drafting of statutes. Mr. Witte, the librarian, has also devoted considerable time to this phase of his department. Devoting all their time to this kind of work, these draftsmen become experts. This is recognized by the legislators and practically all bills go through the drafting department. Even if a legislator has fully drafted a bill which he wishes to introduce, or if he has received a drafted bill from a constituent, he will usually refer it to the drafting department for improvement in technical form. As a rule only simple changes, such as striking out a figure and inserting another in an appropriation bill or framing a simple amendment, are attempted in the legislative chambers without the assistance of the drafting department. The assembly committees for the improvement of the technical form of bills, such as the committees on engrossed bills, enrolled bills, revision, and third reading are obsolete. Such committees do not exist in the senate. In both houses this work is done by clerks, but in the assembly these committees theoretically function, bills are referred to them, and the clerks in reporting out the measures sign the name of the appropriate chairman.

The drafting department of the reference library is concerned only with the individual bills to be drawn up during a legislative session. The whole body of the statute law of the state comes again under the scrutiny of the revisor of statutes. This office was created in 1909. The revisor is appointed by the trustees of the state library and is not connected with the legislative reference library. His duties are "to formulate and prepare a definite plan for the order, classification, arrangement, printing and binding of the statutes and session laws. . . ."[1] A compilation of the revised statutes is issued every two years. These compilations are systematically arranged and contain the whole body of the statute law brought up to date. Wisconsin is thus fortunate in having expert service both in the drafting and in the revision of the statutes. This service is reflected in the form of the law. The statutes are remarkably clear, brief, and conveniently arranged.

[1] Wisconsin Statutes, Sec. 43.07 and 43.08.

NO LIMIT ON LENGTH OF SESSIONS

Finally, in considering the organization of the legislature, something should be said about the duration of the legislative session. There is no constitutional limit on the length of the session in Wisconsin. Legislators are paid $500 per term and receive mileage to and from the capital. They can remain in session a week or two years, but their pay is the same. During the nineties the usual duration of a legislative session was about a hundred days. Beginning with the present century, there was a gradual increase. In 1905 there was a notable increase, the session lasting a hundred and sixty-three days while the session of 1903 lasted only a hundred and thirty days. The tendency since 1905 is shown by the following table:

DURATION OF SESSION AND AMOUNT OF LEGISLATION, 1905–1923

Year	Length of session in calendar days	No. measures passed	
		Bills	Joint resolutions
1905	163 days	523	16
1907	189 "	676	40
1909	156 "	550	60
1911	185 "	665	79
1913	213 "	778	45
1915	223 "	637	34
1917	187 "	679	36
1919	203 "	703	23
1921	184 "	591	61
1923	.....	...	..

The unlimited session has its disadvantages as well as its advantages. Feeling that they have unlimited time at their disposal, legislators are tempted to indulge in dilatory practices and give attention to inconsequential matters in a manner which would not be possible if the session were terminated on a definite date. During the first three months of the recent session very little of importance was accomplished. Much time was wasted in discussing irrelevant matters. The assembly spent considerable time and energy in trying to declare Eugene Debs a Christian gentleman by legislative action. This is not intended to cast any aspersions upon the character of Mr. Debs, many of whose qualities are admirable. But it hardly seems probable that the people of Wisconsin are greatly concerned either about his gentility or his Christianity. The senate spent hours and days indulging in nonsensical practices to postpone action on the tax bills endorsed by the administration. The joint resolutions introduced in the two houses touch on a variety of subjects ranging from the "French invasion of the Ruhr" to "undemocratic social functions at the university." The Eighteenth Amendment and the Volstead Act are exceeded perhaps only by the birthday felicitations in the number of resolutions which they have inspired; and national prohibition, being a more controversial subject than birthdays, the resolutions dealing with it have required more time. Birthday greetings are read and adopted; resolutions dealing with prohibition are read and debated.

MERITS OUTWEIGH DISADVANTAGES

But while it is reasonable to assume that the unlimited session encourages delay, it nevertheless has its merits,

and these probably outweigh the disadvantages. Due to the growing complexities of modern life, state legislatures have to face more and more problems. The table above shows that, not only has the length of the session increased, but there has been a marked increase in the number of bills enacted. From 1890 to 1905 no Wisconsin legislature enacted more than five hundred laws. Since 1905 no legislature has enacted less than that number. There is need for more legislation to-day than there was a half century ago, and more time is required for lawmaking. In a number of states the length of the legislative session is fixed by the state constitution. The time specified might have been enough when the constitution was adopted, but may be hopelessly inadequate to-day. The practice of resorting to such subterfuges as the observance of "legislative days" in some states where the sessions are limited indicates that the time allowed is too short. In the Wisconsin legislature, with its unlimited session, there are delays. It is difficult finally to settle a question. A bill may be indefinitely postponed and later brought up for reconsideration and passed. However, when the legislature finally adjourns it has had ample time to give full consideration to measures, it has not been too crowded during the closing days of the session, and the enactments are reasonably in line with the general wishes of the legislators. Unquestionably the tendency is for the sessions to become too long. This works a hardship upon the members and is a strain upon the patience of the public. The session would probably be shortened if there were a real party organization and party leadership to expedite matters. To limit it to a definite number of days would probably be a mistake.

NEED FOR PARTY ORGANIZATION AND PARTY RESPONSIBILITY

This paper was begun with the assertion that the present legislature of Wisconsin is a disappointment. After having surveyed the organization of the legislature and the agencies for expediting and improving legislation, this assertion may seem paradoxical. Here we have a legislature composed of a hundred and thirty-three members, most of them able and competent, all of them apparently honest and anxious to serve their state and their constituents according to their best judgment and abilities. They are organized under a parliamentary system which it has taken centuries to develop; they are surrounded by experts in the mechanics of lawmaking; they are afforded every material convenience to expedite their task. In spite of all this, the present legislature has not accomplished what its friends had hoped in the way of constructive legislation. The difficulty seems to be that the legislature is a group of individuals attempting to work together without accepted party leadership in the chambers, without common principles, and without a definite purpose.

PARTIES LOOSELY ORGANIZED

What is seriously lacking in the Wisconsin legislature—and it has been lacking for years—is that peculiar unity of purpose, selfish though it be, which comes only with party organization and party responsibility. With the exception of the small group of socialists, there is no working organization along party lines. The disparity in party strength is such that party organization seems hopeless to minority parties and needless to the majority party. This disparity, while accentuated in the present legislature, is characteristic of the political situation

in the state during the last three decades. The following tables show the relative strength of political parties in the last ten legislatures:

PARTY STRENGTH IN THE ASSEMBLY, 1905–1923

Year	Republicans	Democrats	Others
1905	85	11	4
1907	76	19	5
1909	76	19	5
1911	59	29	12
1913	57	34	9
1915	62	30	8
1917	79	14	7
1919	81	4	15
1921	92	2	6
1923	89	1	10

PARTY STRENGTH IN THE SENATE, 1905–1923

Year	Republicans	Democrats	Others
1905	28	4	0
1907	27	5	1
1909	28	4	1
1911	27	4	2
1913	23	9	2
1915	22	8	3
1917	24	6	3
1919	27	2	4
1921	27	2	4
1923	30	0	3

It has been the experience of every representative government that some extra-governmental agency is necessary to formulate policies, to nominate candidates, and after securing control of the government to assume responsibility for its policies and for the conduct of its personnel in official positions. The political party has filled this need, and although criticised as inimical to democracy it has always appeared as an essential agency of popular government. To-day it is frequently lamented that the major parties do not stand for any definite distinguishing principles, and it is asserted that parties should represent distinct interests and issues. It is hopeless to realize this ideal. Party affiliations are largely determined by accident of birth and environment. If ten thousand people from all classes of society were selected by lot and placed on one side of a street and ten thousand selected in the same manner and placed on the other side, it would not be expected that one side would differ materially on issues from the other, or would be actuated by different motives or principles. Party adherence is almost equally accidental, and it is childish to suppose that a group of a hundred thousand Democrats should differ radically from a group of a hundred thousand Republicans on definite issues or policies. Nor is it important that they should differ on rational questions. Elections are determined, not by rational, but by emotional reactions. The important thing is to have two parties, the "Outs" and the "Ins," the one seeking to retain control of the government, the other seeking to gain control. If the people are dissatisfied with one they can select the other. This simplifies matters. The party must stand or fall on its record. When such a condition prevails, the interests of the legislator and his party tend to become one. An organization must be kept up, comprises must be reached within the party, and a working machine under a trusted leadership must exist. The situation in the Wisconsin legislature is the very opposite of this. With the exception of the Socialists, there is no party organization and no recognized party leadership within the legislature.

HISTORY OF PARTIES IN WISCONSIN

It is impossible here adequately to consider the political history of Wisconsin which has culminated in the present situation. It must, however, be given a brief mention. Since the Civil War Wisconsin has been a Republican state. The Democratic party, however, until recently, maintained a party organization and occasionally

can party into really effective majority and minority organizations. Real progress means the formulation of a constructive program based upon sound principles and an organized effort to attain the goal. It matters nothing under what banner the organization works. Until it has a program and leadership to carry it out, a legislature can never be progressive. Retrenchment is not progress. It is another word for reaction. During the present session there has been initiated a constitutional amendment providing for the initiative and referendum. It is advanced as a progressive measure, but if adopted it will probably be a disappointment to its proponents. It is likely to prove but another way to shift responsibility from the legislature to the people. Legislators are prone to vociferate about the wisdom of the people, but they fail to observe that their own election is sometimes positive proof of the fallibility of the electorate. Nothing is to be gained by shifting the responsibility from the legislature to the voters. What is needed is an organization in the legislature which will assume collective responsibility for its actions and be answerable to the people for what the legislature has done or has failed to do. [2]

[2] The author is indebted to Mr. Waldo Schumacher for much of the statistical material contained in this paper.

THE INITIATIVE AND REFERENDUM IN THIRTY-SIX AMERICAN CITIES IN THE YEARS 1921 AND 1922

BY E. L. SHOUP
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A review of the initiative and referendum in cities with full statistical tables. :: :: :: :: :: :: :: :: :: ::

Thomas Hobbes attributed to mankind "a perpetuall and restlesse desire of Power after power, that ceaseth only in Death." If the use made of the initiative and the referendum in the years 1921 and 1922 in thirty-six cities chosen at random from all parts of the United States is typical of the desire of the electorates for the exercise of the legislative power, it is evident that Hobbes has overstated the case against "the mob." Just as far adrift were those enthusiasts of a decade ago who asserted that law-making directly by the people must eventually overshadow that by elected representatives. Ninety-five measures were voted on by these cities in two years, of which fifty-one carried and forty-four were rejected. Although the power was their's for the taking, the electorates of only twenty-one cities, of the thirty-six examined, availed themselves of it. Nor did they clamor for corn and wine and games at the public expense and vote them to themselves! In fact Grand Rapids and Omaha rejected propositions to provide free public receptions, entertainments, and concerts! [1]

These figures do not represent the

[1] Full statistical tables are given on pp. 616 to 662.

full amount of direct legislation in which the people of these cities participated for, naturally, state and county measures were not included. Those bond issues and tax levies for municipal purposes which the state constitution or the city charter requires to be submitted to the people have also been omitted; but those coming up in the form of an initiative or referendum ordinance have been included.

The thirty-six Initiative and Referendum cities chosen represent all sections of the country and all sizes of municipalities from the fifteen thousand of Albuquerque to the nearly a million of Detroit. While the number used is not sufficiently large to warrant an attempt to draw detailed conclusions, some general tendencies are unmistakable. In general, it does not seem that the size of the city has much to do with the frequency of the use of the initiative and the referendum. If the fourteen smaller Ohio cities given in a separate tabulation were included, the odds would be with the large cities. With respect to geographical sections, the greatest use was made in the Pacific and Mountain states, followed in order by those of the north central region and of the northeast; while the old South made use of them the least.

Only eight of the thirty-six,—Albuquerque, Dayton, Grand Rapids, Jackson, Norfolk, Phoenix, Sacramento, and Wichita, were under the commission-manager form of government during the period of the survey. It may be only a coincidence that but three of these had initiative and referendum elections and that a total of only ten measures, six of them in one city, Grand Rapids, were voted upon. Sacramento passed an initiated ordinance prohibiting one-man cars and shortly afterwards found it necessary to call another election to vote on its repeal because of a threatened increase in fares. Its third measure was a rejection of a prohibition enforcement act, known as the "Little Volstead." Dayton voted on a charter amendment involving the abandonment of the commission-manager plan of government.

In theory a chief function of the initiative and referendum is to furnish a means for an appeal to the people when, as in the mayor-council type of government, there is a deadlock between the two organs which jointly hold the supreme power. It would follow that when there is a centralization of power and responsibility as in the commission-manager plan, the use of direct legislation would be restricted to special questions of such a weight or nature as could best be passed on by the electorate directly; or, that it should be used as a weapon by the opposition in the council when they believe the majority of council is no longer representative of the popular will. All that can safely be said here is that the city manager cities have apparently made a smaller use of the initiative and referendum than those where the orthodox scheme of the separation of powers prevails.

POPULAR PARTICIPATION IN DIRECT LEGISLATION

Lord Bryce's parting words to the coming generations were not to despair of Democracy so long as there is a popular interest in the affairs of government. How is it with the American cities? The proportion of those voting on initiative and referendum measures to the total population varies all the way from 5.2 per cent in Duluth to 27.6 per cent in Cincinnati and 27.8 in Dayton. The average for the twenty-one cities is 15.8 per cent. While this seems small, it can only be judged when placed in comparison with typical votes of the same cities for some elective

officer. Upon such comparison, it is found that in every case but one, the average number of votes cast in the initiative and referendum elections is less than those for the elective office.

The disparity, however, is not of an unreasonable amount: the average of the former is but 27.9 per cent less than that of the latter. Or, by another mode of comparison, the average vote for the elective officer is 21.9 per cent of the total population; while that for the initiative and referendum measures is 15.8 per cent of the total population.

The reason for the difference probably lies deep in human nature;—the universal existence of an innate gossipy streak which inclines people to be more interested in persons than in issues. Do these results indicate a hopeless shiftlessness in the *populus* as respects participation in direct legislation? The facts are here—, each one may interpret them for himself. But it would not seem that the voters are lazy unless one assumes the same also for the popular election of public officials, which few are prepared to do. It cannot reasonably be contended that the average vote on these ninety-five initiative and referendum measures under present conditions of society is so small as to make them less than a mandate from the people.

KINDS OF QUESTIONS

The ninety-five measures voted on represent a wide variety of subjects. In their essence, they comprise matters which are, technically speaking, constitutional (charter) laws, administrative regulations, and ordinary legislative enactments. Ideally, class one are proper subjects for the electorate to pass upon directly, while all of class two and most of class three could better be performed by the city government itself if capable, responsible, and representative.

Formally, the questions show a marked preponderance in favor of charter amendments in the ratio of more than two to one. On first glance it might be assumed that this was to be expected since constitution- or charter-making lends itself better to popular control than the making of ordinances. But further examination shows that the distinction in this case is only nominal. Many that were submitted as charter amendments could just as well have been submitted as ordinances: they are indistinguishable in substance.

Thirty-three, or about a third of the measures may be classed as political. These have to do with elections, the disposition of the powers of government, their shifting from one officer or department to another, the making of wards and precincts; and general matters of policy. The next most numerous group, twenty-four in number, concern public utilities, both privately and municipally owned, and other public property. Eighteen are classed as financial. The thirteen classed as social include such various matters as community houses, free concerts, and the public schools. The last and smallest group of seven are laws of a restrictive nature and properly speaking are exercises of the police power of the state.

POLITICAL QUESTIONS

The commission-manager form of government was up for consideration in four cities. It was adopted by Cleveland, but turned down by Denver and Pueblo; while Dayton refused to abandon it. Des Moines voted to permit candidates for the commission to state their preference for the headship of one of the administrative departments. Lincoln, Nebraska, carried an amendment to permit the electors to indicate which one they prefer for mayor, when voting for commis-

sioners. A number of questions of a nature too complex and detailed to be discriminatingly considered by the electors were before the people of San Francisco in its regular municipal election in December, 1922. Notably, were important changes in the civil service laws, the reorganization of the police court, and the creation of a public utilities commission. Happily, the most questionable of these were defeated. Among the eleven measures on the ballot in the May, 1922, election in Denver, were a number which on their face bore the impress of personal and class interests or were of a "ripper" nature. All of these, too, were overwhelmingly defeated. An initiated ordinance to set a minimum wage of five dollars a day for laborers on city work, with a Saturday half-holiday in the summer months and establishing the eight-hour day, was among those defeated in Denver.

PUBLIC UTILITIES

Public utilities and city properties were the subjects of considerable legislation. These included for the greater part, franchises, extensions, improvements, and rate regulations. Public ownership fared rather well. Buffalo voted overwhelmingly to petition the state legislature for permission for the city to own and operate bus lines. Lincoln gave permission to the council to own and operate a municipal coal-yard. San Francisco, which had had some experience with municipally owned car-lines, voted to allow the city council to purchase and operate any part or all of the street railway system. In Detroit the street railway ouster ordinance carried, as well as the one ordering the city to purchase and operate the system. The only set-back was in Lowell, Massachusetts, where a proposition to acquire, maintain, and operate a municipal gas plant was defeated.

FINANCIAL

No innovations are found in the various financial measures. Buffalo refused by a large vote permission to the board of education to determine the amount of school bonds to be issued without limitation by the city government. Detroit provided for the payment of the taxes in two semi-annual installments. Duluth set a fifteen dollar per capita limit on taxation for general government purposes. San Francisco created a bureau of supplies to facilitate centralized purchasing, and explicitly interpreted the charter to permit the expenditure of funds for the construction and maintenance of highways outside the corporate and county boundaries. The same city decisively defeated an ordinance setting a salary scale for the principal officers.

SOCIAL AND POLICE

Only about one-fifth of the measures fall under this classification. Grand Rapids rejected an ordinance to provide free community concerts; while Omaha rejected a similar measure as well as one for free nursing. Two cities voted on the question of daylight saving,—Buffalo sustaining such an ordinance then in existence and Milwaukee adopting one by a close vote. Grand Rapids by a three to one majority adopted an ordinance punishing frauds in the local elections. Los Angeles by the initiative carried the repeal of two ordinances which had granted permission to certain private parties to erect buildings over certain public alleys.

THE OUTCOME OF THE VOTING

It does not seem that there were many cities in which measures were submitted on which because of their nature or number a passably intelligent judgment might not have been given

by the electorate at large. Conspicuous examples of the contrary were San Francisco and Denver. At the regular municipal election in the former, no fewer than twenty-three questions, of which all but one were charter amendments, were submitted. An election pamphlet of thirty-one pages was required to contain the text. They covered a wide range of subjects, were for the greater part unrelated to each other, and could not have been understood without such a detailed knowledge of the charter as could be expected of few voters. Much the same was true of the eleven charter amendments and ordinances in the Denver election of May 17, 1921.

Twenty-one out of the thirty-two, or 66.6 per cent, of the measures placed on the ballot by the initiative failed of passage, as compared with twenty-three out of sixty-three, or 36.5 per cent, placed there by the referendum. That is, the voters were almost twice as much inclined to reject measures originated by themselves as those by the city council. It would be presumptious to attempt to pass a judgment upon the wisdom of the votes on individual questions without an intimate knowledge of the local situation and issues. But some general *prima facie* conclusions may be drawn. That the voting in general was conservative is evident. Almost as many of the measures were defeated as carried, the outcome for charter amendments and ordinances being about the same. Whenever they were so numerous or intricate as to puzzle the voter, he seems to have adopted in defense the slogan, "When in doubt, vote No." Three amendments in the San Francisco election emasculating the civil service law were smothered. Another authorizing the board of park commissioners to build garages in the public parks or grant fifty year leases to private parties for the same purpose met a like fate. All eleven of the Denver proposals, several of which might have had merit, were defeated by majorities running all the way from two to one to five to one. The soundness of the charter amendment adopted in Lincoln, a commission governed city, in which the designating of a commissioner for mayor is transferred from the commission to the voters, may well be questioned. In general, however, one gains the impression that the voting by the electorates on these ninety-five questions was at least as satisfactory and sound and well-considered as could be expected from the average American city council.

THE INITIATIVE AND REFERENDUM IN FOURTEEN OHIO CITIES IN 1921 AND 1922

The results for fourteen Ohio cities, not included in the foregoing list, for the years 1921 and 1922, show some variations from those for the nation at large. All of these cities with the exception of two, Barberton and Lancaster, have in excess of twenty thousand population. They have the initiative and referendum either by charter or under the general code of the state. Only eight measures were voted on in the two years, that is to say, a ratio 78.4 per cent less than for the thirty-six. The chief reason for the difference doubtless is their smaller average size which brings about more intimate contacts between the citizens and officers and makes for more responsible government. On the other hand, several have not availed themselves of the opportunity, afforded by the state laws to frame and adopt their own charters. Such cities are still less apt to make use of the initiative and referendum, a device handed down to them from above by the state legislature and constitution.

This accounts in part, too, for the further difference that no charter amendments are found among the eight measures.

The ordinances cover the usual range of subjects. East Cleveland, a manager-commission governed city, by an initiative petition forced a referendum on a new schedule of gas rates set by the commission. The latter was overruled in a warm campaign by a vote of 1,266 to 1,354. Counting all fourteen cities, three ordinances were passed and five rejected.

CONCLUSIONS

These may be briefly summarized as follows:

First. The initiative and the referendum have on the whole been used conservatively and constructively. The prevailing tone of the voting would be dominated progressive. They have not proved subversive of the existing order.

Second. They were used somewhat less by manager-commission cities than by those under the old mayor-council plan.

Third. The small cities used them less than the large ones.

Fourth. They were used more for the making of charter amendments than for ordinances.

Fifth. Questions placed on the ballot by the referendum were more successful in passing than those placed there by the initiative.

Sixth. The initiative and the referendum have in no sense proved to be substitutes for the work of the city council or commission. They seem to have found their niche. In the first place, they are instruments for occasional use on all sorts of questions to enforce sense of responsibility on the city government. Secondly, they provide a ready means for the expression of the popular will on certain clear-cut issues where for some reason a direct mandate from the people is desirable.

USE OF THE INITIATIVE AND REFERENDUM IN THIRTY-SIX CITIES IN THE YEARS 1921 AND 1922

	Charter Amendments				Ordinances				Totals
	Initiative		Referendum		Initiative		Referendum		
	Carried	Rejected	Carried	Rejected	Carried	Rejected	Carried	Rejected	
Albuquerque									
Birmingham, Ala.									
Buffalo							2	2	4
Cambridge, Mass.									
Charleston, W. Va.									
Cincinnati						1			1
Cleveland	1						1		2
Columbus									
Dayton		1							1
Denver		4		3		3		1	11
Des Moines	1						1		2
Detroit			3		2	1			6
Duluth			3						3
Grand Rapids		1	6	2			1		10
Haverhill, Mass.									
Houston, Tex.									
Jackson, Mich.									
Lawrence, Mass.									
Lincoln	1		1						2
Los Angeles	1	1				2			4
Lowell, Mass.	2					2			4
Lynn, Mass.								1	1
Mobile									
Norfolk									
Milwaukee					1		2	1	4
Omaha		3		1			1	1	6
Phoenix									
Pueblo, Colo.		1							1
Richmond									
St. Louis							1		1
St. Paul									
Sacramento					1		1	1	3
San Diego			3	1	1				5
San Francisco		1	13	9					23
Spokane			1						1
Wichita, Kan.									
	6	12	30	16	5	9	10	7	95

SUMMARY

	Carried	Rejected	Total
Charter Amendments	36	28	64
Ordinances	15	16	31
	51	44	95

USE OF THE INITIATIVE AND REFERENDUM IN FOURTEEN OHIO CITIES IN 1921 AND 1922

(These cities were not included in the foregoing table)

	Charter Amendments	Ordinances	Initiative Ordinances	Referendum Ordinances	Passed	Rejected
Ashtabula	0	1	1			1
Barberton	0	0				
Canton	0	0				
East Cleveland	0	1		1		1
Elyria	0	3	2	1	1	2
Hamilton	0	0				
Lakewood	0	1	1			1
Lancaster	0	1	1		1	
Lima	0	0				
Lorain	0	0				
Mansfield	0	0				
Norwood	0	0				
Sandusky	0	1		1	1	
Youngstown	0	0				
	0	8	5	3	3	5

SIZE OF VOTE CAST AT INITIATIVE AND REFERENDUM ELECTIONS IN THE YEARS 1921 AND 1922

	Population	Vote for Mayor or Other Elective Officer 1921–22	Average Vote on Initiative and Referendum	Percentage of Vote for Elective Officer	Percentage Total Population
Albuquerque	15,157				
Birmingham, Ala.	178,806				
Buffalo	556,775	130,699	82,680	62.2	11.2
Cambridge, Mass.	109,694				
Charleston, W. Va.	39,608				
Cincinnati	401,247	134,659	111,828	83.	27.8
Cleveland	796,841	150,455	109,760	72.9	14.1
Columbus	237,031				
		(Governor)			
Dayton	152,559	63,825	42,112	65.9	27.6
Denver	256,491	59,350	40,066	67.3	15.6
Des Moines	126,468	30,350	23,069	76.	18
Detroit	993,678	124,854	107,639	86.2	10.8
Duluth	98,917	20,377	5,176	25.4	5.2
Grand Rapids	137,634	29,250	14,629	50.	10.6
Haverhill, Mass.	53,884				
Houston, Tex.	138,276				
Jackson, Mich.	48,374				
Lawrence, Mass.	94,270				
		(Governor)			
Lincoln	54,948	13,181	5,467	41.4	9.9
Los Angeles	576,673	91,838	88,427	96.2	15.3
Lowell, Mass.	112,759	24,192	8,811	36.4	7.8
Lynn, Mass.	99,148	22,654	17,133	75.6	17.4
Milwaukee	451,147	77,735	56,294	72.4	12.3
Mobile	60,777				
Norfolk	115,777				
Omaha	191,601	54,546	40,351	73.9	21.0
Phoenix					
		(Governor)			
Pueblo, Colo.	45,581	7,006	6,236	89	13.6
Richmond	171,667				
St. Louis	772,897	203,340	175,364	86.4	22.7
		(Governor)			
St. Paul	234,698	29,653			
Sacramento	65,908	12,302	9,708	79.7	14.7
San Diego	74,683	9,307	12,004	128.9	16
		(President)			
San Francisco	506,676	128,741	100,120	77.7	19.7
		(Governor)			
Spokane	104,437	32,482	22,661	69.7	21.6
Wichita, Kan.	72,217				

VOTES ON CHARTER AMENDMENTS UNDER THE INITIATIVE AND REFERENDUM IN THE YEARS 1921 AND 1922

	Yes	No
Albuquerque		
Birmingham, Ala.		
Buffalo		
Cambridge, Mass.		
Charleston, W. Va.		
Cincinnati		
Cleveland		
Establishing the manager-commission form of city government with the commission elected by proportional representation	77,888	58,204
Columbus		
Dayton		
To re-establish the mayor-council form of city government	16,159	25,953
Denver		
Changing the relation of the election commission to the city government and naming Rex B. Yeager commissioner for a term of six years	6,438	34,545
Validating and confirming all city and county bonds heretofore issued	6,874	32,303
Creating a municipal building commission and naming three men to fill it, and providing for the erection of a city hall	7,784	32,303
Creating a public service board to regulate public utilities	4,266	34,703
To provide lower rents by restricting the rates on houses and personal property to one-half those on land	7,295	32,050
Permitting the board of public works in the case of local improvements paid for by private assessments either to make them by day labor under its own direction or by independent contract	6,687	29,740
Charter amendment revamping the entire charter but retaining the mayor-council form	5,430	30,477
Des Moines		
Providing that each candidate for the city council designate the particular department to the superintendency of which he aspires, and which, if elected, he shall fill	10,386	9,941
Detroit		
Payment of taxes in two installments	56,707	46,715
Providing for twenty-four wards and twenty-four councilmen	33,990	67,878
Duluth		
Setting $15.00 as the maximum per capita that may be levied by general taxation in any one year excepting funds numbered 1 and 2	3,586	1,610
Providing for the issuance of not to exceed $200,000 of bonds in any one year for the permanent improvement fund	3,512	1,655
Authorizing the issuance of bonds not exceeding $25,000 for the "Welfare Building"	3,820	1,356
Grand Rapids		
Division of city into wards and the election of various city officials	9,215	11,626
Setting a rate of interest on municipal bonds	8,041	6,940
Providing a fund for receptions, entertainments, etc	6,197	8,947
Punishment for frauds in municipal elections	10,110	3,315
To permit the granting of certain franchises	6,610	2,626
	6,496	2,426
	6,046	2,412
Increasing the amount of street and sewer bonds	10,739	7,660
Community concerts	8,310	9,779
Haverhill, Mass.		
Houston, Texas		
Jackson, Mich.		
Lawrence, Mass.		
Lincoln		
Allowing candidates for council to express preference on the ballot "for mayor," the one so doing receiving the highest vote therefore, to assume the office of mayor and the department of public affairs	4,217	1,596
Authorizing the city to establish, maintain and conduct a municipal coal yard	4,696	426
Los Angeles		
Providing for firemen's and policemen's pensions	84,466	38,111
District representation	35,203	52,408

VOTES ON CHARTER AMENDMENTS UNDER THE INITIATIVE AND REFERENDUM IN THE YEARS 1921 AND 1922—*Continued*

	Yes	No
Lowell, Mass.		
Acceptance of a charter amendment drawn up by a charter commission	8,534	7,903
Adoption of the mayor-council form of government defined in the General Laws of the Commonwealth	11,498	9,924
Lynn, Mass.		
Mobile		
Norfolk, Va.		
Milwaukee		
Omaha		
Giving the council authority to make improvements and levy assessments therefor on their own initiative without petition	15,154	20,749
Creating a "Public Concert Fund" of not more than $15,000 in each year	14,126	24,591
Providing for the financing of grading in the same manner as other public improvements	14,063	15,301
Authorizing the council to issue bond in any amount not to exceed $25,000 in any one year without a vote of the electors for free nursing	14,126	24,591
Phoenix, Ariz.		
Pueblo, Colo.		
Providing for a city manager form of government	2,778	3,458
Richmond		
St. Louis		
St. Paul		
Sacramento		
San Diego		
Authorizing the city to make and enforce all laws and regulations in respect to municipal affairs	7,220	2,927
Incorporating the general law of the state authorizing municipalities to incur a bonded indebtedness	6,447	3,358
Authorizing any officer having the power to employ deputies, assistants, etc., to remove such person, giving written notice and hearing	6,984	3,360
Providing that the common council in granting permits or franchises for the operation of street railways shall grant them in accordance with the general laws of the state, and may enforce such terms as are not in conflict with those laws	6,489	8,952
San Francisco		
Altering the civil service provisions; making the auditor, assessor, county clerk, city attorney, sheriff, treasurer, tax collector, recorder, public administrator, and coroner elective	20,943	90,303
Providing that any person who has been serving as assistant deputy coroner (female) continuously for one year prior to the adoption of this amendment is hereby appointed to such position	47,945	53,886
Providing that any person who has served for five years continuously prior to the approval of this act in the position of bookkeeper and cashier in the office of the sheriff is hereby appointed to the positions; and the positions named are placed in the classified civil service	49,549	63,188
Making all meetings of city boards and commissions excepting special meetings of the civil service commission open to the public	62,659	40,500
Making final the judgment of the boards of police commissioners and the fire pension fund commissioners in determining when a disability has ceased upon which a pension has been granted	51,527	42,777
Giving the chief of police power to detail members of the police force for detective duties and providing for their organization and salaries	62,659	40,500
Making the general election laws of the state applicable to the city elections and providing for the registration of voters at places outside the city hall	59,092	38,055
Providing that the general election laws of the state shall apply in the city in certain particulars if voting machines are used	60,669	39,742
Declaring foreign trade zones located in the city and county by authority of congress public utilities	54,833	38,830
Interpreting the charter to permit the expenditure of city and county funds for highways without their limits	69,351	31,628
Permitting the board of supervisors to establish and publish the "City Record"	35,675	58,082
Placing the Hetch Hetchy electric power project and public utilities for the furnishing and delivery of water outside the 15 per cent limit on bonded indebtedness; and permitting the disposal of surplus water and electric energy outside the city and county limits	37,061	59,410
Giving the board of park commissioners complete and exclusive control and management of the city parks, squares, avenues and grounds	54,891	44,248

VOTES ON CHARTER AMENDMENTS UNDER THE INITIATIVE AND REFERENDUM IN THE YEARS 1921 AND 1922—*Continued*

	Yes	No
San Francisco—Continued		
Permitting the board of park commissioners to erect automobile garage or parking stations in the " sub-park " spaces in public parks and squares, or to lease it for such purposes for a period not to exceed fifty years	45,148	51,771
Reorganizing the police court	43,202	60,522
Authorizing the board of supervisors to repay taxes collected even though no protest had been made if the tax levy was later declared unlawfully made by a state or federal court; and to levy a general property tax to refund the amount of the illegal tax levied and collected	45,055	48,021
Authorizing the sale of city and school lands and providing a procedure therefor	60,385	38,015
Authorizing the board of supervisors to create by ordinance a public utilities commission to be appointed by the mayor	44,124	51,969
Fixing the salaries of the principal city and county officers	39,409	62,175
Creating a bureau of supplies as a central purchasing agency for all city supplies	53,193	42,612
Authorizing the city and county to purchase land outside their limits for tuberculosis hospitals and for the erection and maintenance of hospitals thereon	89,301	20,376
Authorizing the city and county to purchase the whole or any part of the street railways	74,683	38,758
Spokane, Wash.		
(Charter Amendment—text unavailable)	15,456	7,203
Wichita, Kan.		

VOTES ON CITY ORDINANCES UNDER THE INITIATIVE AND REFERENDUM IN YEARS 1921 AND 1922

	Yes	No
Albuquerque		
Birmingham, Ala.		
Buffalo		
Providing that the city shall build a water filtration plant to cost from $4,000,000 to $4,500,000	44,108	28,648
Repealing the ordinance establishing daylight-saving time	37,698	57,978
Empowering the board of education to determine the amount of school taxes to be levied and the amount of school bonds to be issued without limitation or reduction by the city government	12,355	70,174
Authorising the city government to prepare and present to the state legislature a bill giving the city of Buffalo the right to acquire, own, maintain, and operate bus lines within the city; and to permit and to license the operation of bus lines by others without the restrictions of Sections 25 and 26 of the Transportation Corporation Law	56,331	23,428
Cambridge, Mass.		
Charleston, W. Va.		
Cincinnati		
Extension of city car line to the corporate limits	50,133	61,695
Cleveland		
Regulating the charges for gas	55,955	27,473
Columbus		
Dayton		
Denver		
Setting a minimum wage of five dollars per day for all laborers engaged on city work and providing for a Saturday half holiday	14,785	32,941
Providing for daylight-saving	10,575	29,599
Setting a seven cent street-car fare	10,575	29,599
Repealing an earlier ordinance setting a six cent street-car fare	8,519	30,060
Des Moines		
Street car franchise election	16,907	8,904
Detroit		
Street railway purchase-at-cost and option to purchase	52,673	92,060
Dix-Waterloo-Highway	65,809	40,364
High Street highway initiative ordinance	50,468	30,550
United Railway ouster	72,268	36,353
Duluth		
Grand Rapids		
Granting a street railway franchise	13,413	5,399
Haverhill, Mass.		
Houston, Texas		
Jackson, Mich.		
Lawrence, Mass.		
Lincoln		
Los Angeles		
Repealing an ordinance granting private parties permission to erect and maintain a building over a public alley connecting two buildings owned or leased by one interest	24,939	45,859
Another like the above	26,291	46,430
Lowell, Mass.		
Specifying a procedure for the granting of contracts for street construction	9,202	9,846
The acquisition, maintenance, and operation of a municipal gas plant	4,722	8,819
Lynn, Mass.		
Acceptance of an act of the general court relative to the salary of the members of the commission on drainage	5,601	11,532
Mobile		
Norfolk, Va.		

VOTES ON CITY ORDINANCES UNDER THE INITIATIVE AND REFERENDUM IN YEARS 1921 AND 1922—Continued

	Yes	No
Milwaukee		
Daylight saving	29,890	23,133
Levy and collection of a tax for school purposes	32,519	26,284
Levy and collection of a tax for the establishment of a trade school	28,746	27,935
Levy and collection of a tax to provide a public land fund	28,248	28,420
Omaha		
Authorizing bonds to build a free bridge between Omaha and Council bluffs	24,200	26,615
Bonds to repair the city gas plant	33,626	14,965
Phoenix, Ariz.		
Pueblo, Colo.		
Richmond		
St. Louis		
Setting eight hours as a day's work for the permanent employees in the classified service of the city	117,552	57,812
St. Paul		
Sacramento		
Prohibiting one man cars	6,148	5,665
Repealing the above because its enforcement would cause an increase in fare from five to seven cents	4,580	4,075
The "Little Volstead" Act—enforcement of the prohibition act	2,949	5,708
San Diego		
Granting a street railway franchise for a certain street to the highest bidder	7,178	7,107
San Francisco		
Directing the city council to memorialize Congress to modify the Volstead Act so as to permit the sale of light wines and beer	77,282	32,807
Spokane		
Wichita, Kan.		

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Engineering and Inspection Expense an Essential Part of Local Improvement Costs.—The practice of assessing on property benefited by local improvements either the entire cost entailed by such a work or a portion thereof, is largely followed at present by communities in financing such improvements, but frequently the expense of providing engineering and inspectional service in the prosecution of this work is not included in the cost figure used as the basis of assessment. In fact, in certain states the courts have ruled that the inclusion of these items and the cost of the work is not permitted under the laws governing special assessments.

The Illinois supreme court in 1922 rendered a decision to the effect that engineering and inspectional service furnished during the construction of public improvements which are to be paid for out of special assessments do not constitute a part of the cost of such work. This decision made it necessary to provide funds for such purposes out of current revenues and constituted a serious disadvantage particularly to smaller communities.

Under the most favorable conditions it is frequently difficult to secure adequate funds for those purposes as it is difficult for the public official and ordinary citizen to appreciate the important bearing that adequate engineering supervision over public improvement construction has to the accomplishment of satisfactory and economic improvements. In Illinois this decision of the court created a situation demanding remedy, and largely through the efforts of the Illinois Society of Engineers a bill permitting municipalities to include engineering and inspection as items in the cost of local improvement work was introduced into the state legislature and favorably acted on during the past year. This recognition of the principle that the expense incurred in the preparation of plans and furnishing engineering and inspectional service is an essential element in the cost of any public improvement, constitutes a real accomplishment. It reflects credit on those who prepared the bill in question and secured its enactment. The need for local improvements is a current one and affects all communities. Obviously, a sound policy both in the planning and financing of these improvements is of the outmost importance, both to secure adequate facilities and to provide for an equitable distribution of the financial burden entailed. The most practical method of financing local improvements is in general by means of special assessments. Suitable legislation is an important element in facilitating the carrying out of any assessment policy. The law passed by the Illinois legislature is a step in the right direction.

*

State Control over Type of Municipal Sewage Disposal Plants.—The New Jersey state board of health on July 31 refused for the second time to approve plans for treating the sewage of Trenton by the direct-oxidation or lime-electrolysis process, and the New Jersey court of chancery so modified its injunction requiring the city of Trenton to stop polluting the Delaware River with sewage as to give the city until July 31, 1924, to submit plans for sewage treatment works and until August 1, 1925, to build the works. This action is of particular interest both on account of the reasons for taking it and the insight it affords with respect to the scope of jurisdiction of the state board of health of New Jersey over matters of municipal sewage disposal. The reasons for the action taken by the state board as presented in a resolution adopted on May 1, 1923, in brief were as follows. Objection was taken to the method of treatment proposed on the grounds that "the direct oxidation method of sewage treatment is still in an experimental stage and has not been demonstrated as a practical and continuous method for the treatment of sewage." Greater emphasis, however, was given by the state board to the opinion that the method of treatment proposed by the city was unduly expensive, it being entirely possible with a less costly plan, that of sedimentation, to provide the degree of purification required to meet local conditions for "at least ten years and probably for considerably longer."

There is an economic issue as well as one

affecting public health and general community welfare involved in the Trenton case which is of interest to all state health boards as well as communities facing the necessity of providing sewage disposal facilities. This is the matter of conserving the expenditure of public funds for the latter purposes while ensuring adequate protection. An illuminating editorial comment on this issue in its relation to the Trenton situation appeared in the *Engineering News-Record* at the time the first decision of the state board of health was made public. From this the following extracts are taken:

So far as reasonably possible every state health board should consider all the sanitary and public-health needs of a community before sanctioning the expenditure of money for any purpose on sanitary or public-health grounds, in order to make sure that money so spent would not yield larger and better results if devoted to some other purpose. This is all the more important when a city submitting plans for sewage treatment is doing so under compulsion from the state board of health, which is true in the Trenton case to the extent of years of prodding by the board, sharpened and strengthened last year by a court order at the board's instance requiring Trenton to stop polluting the Delaware within eighteen months. This prodding and court order make the New Jersey state board of health a partner in placing the burden of sewage-works construction and operation on the taxpayers of Trenton. The board, therefore, should make sure that the burden is no heavier than local conditions demand, and rightly refuse to accept plans drawn to fulfil an idealistic conception of sewage treatment, but providing, to meet that ideal, a method of disposal which the board regards as still in an experimental stage. The stand of the state board of health of New Jersey is commended to the attention of any board elsewhere which is acting on the principle that its jurisdiction over water and sewage treatment plans ends with judgment as to whether the plans will be sufficient instead of extending to their possible overelaborateness and the city's needs for more vital improvements or services.

*

Unregulated Competition a Hazard in Public Works Contracts.—Low bids for public works construction are admittedly desirable from every point of view, but too low bids, particularly when resulting from unregulated competition, are in the long run disadvantageous to all parties concerned. A timely illustration of the soundness of this doctrine is given in the experience of the past year in the important field of highway construction. There is food for thought, both for the public works official and the contractors doing public work, in the editorial comment on this subject appearing in the *Engineering News-Record*. This comment is in part substantially as follows:

Low bids characterized highway contracting in 1922. This was particularly true of the early-season contracts. In Wisconsin, which is logically a low-cost state in road construction and where practically 90 per cent of the year's mileage was put under contract prior to May 15, there was a drop of about 30 per cent below 1921 bidding prices. In other states a similar if not an equal decline was exhibited by the bids submitted at the beginning of the year. As the season advanced and bad weather, poor railway service, higher prices and increased wages came along, bidding prices soared to a height not so far below those of 1921. Probably not all the low-price work was completed at a loss, but it is certain that not much of it paid a reasonable profit.

Why did prices for road construction take such an extraordinary drop a year ago? We have the best explanation perhaps in a statement by H. J. Kuelling, highway construction engineer, that an influential reason for the low prices in Wisconsin was that "news of profits made in 1921 became noised about with the result that many new contracting firms sprang into being over night." The competition of these newcomers confident in their estimates predicated on the weather, wage, price and transportation conditions in 1921—one year in a decade in its conjunction of conditions favorable to construction operations—stampeded road contractors into a slaughter of prices which astounded the engineers who were taking the bids. Fear of being without a contract again demonstrated its power to fix the charge for doing work. Other influences contributed, but they were largely fugitive.

The lesson is plain. In a stabilized industry the conditions indicated could not exist. Highway contracting is not stabilized. It lacks definitive knowledge of equipment performance, relative efficiency of methods and reasonable costs. It has not evaluated the influences that control progress. It has accumulated no general fund of quantitative information which indicates the boundaries of prices and profits. It has no established business policy. Its practices are individualistic and erratic. What happened early in 1922 is a natural consequence. It will happen again and again until contractors organize to stabilize their business policies and to determine the efficiency factors of their tasks.

The Editor puts the problem of correcting the conditions noted squarely up to the contractors and justly so. However, it should be recognized that the public official and particularly the municipal county or state engineer shares with the contractor responsibility for guarding against the occurrence of such conditions. Carefully prepared estimates, designs and suitable require-

ments for the submission of bids, together with effective systems of reporting on cost of work and the collection and interpretation of reliable cost data, are all important in giving the contractor as well as the engineer basis for sound judgment in the preparation of bids and the award of contracts. There is also merit in the use of preferred lists of bidders for contract work. Perhaps the most serious handicap under which the public official acts in these matters is the general provision that contracts must be awarded to the lowest responsible bidder. There is justification for permitting the liberal construction of this provision as a means for securing economical and satisfactory accomplishment on public works construction.

✠

Fire Protection Charges a Factor in Determining Water Rates.—Any adequately designed community water-supply system includes provision for furnishing two separate classes of service: first, an adequate supply of water suitable for domestic and industrial uses; and second, a supply for fire-protection purposes. The latter obviously is in the nature of a ready-to-serve or stand-by service. The design of any system supplying both of these kinds of service demands separate consideration of their respective needs in the matter of pumping equipment required, size of mains and reserve supply. Hence the total cost of furnishing the supply will vary according to the requirements of these services. The percentage of this cost chargeable against water supply for fire protection is in all cases a substantial one and in the small communities may constitute the major portion of the total cost. In view of this fact, it is essential that in determining what water charges will ensure a proper and reasonable return for the service furnished suitable recognition be given to the cost of furnishing service for fire protection. It is rather surprising, however, that comparatively few communities base their water charges on a scientific allocation of expense in respect of these two classes of service, and many of these ignore entirely or make a purely arbitrary charge for fire-protection service. The subject is of enough importance to justify consideration by water-supply and other city officials, and a discussion of the requirements of sound policy in this matter by Mr. Caleb Mills Saville, manager and chief engineer, Water-Works, Hartford, Connecticut, in a recent number of the *Engineering News-Record*, merits careful attention. Certain of Mr. Saville's comments on this subject in part are as follows:

Among the ways for meeting payment for fire-protection service are: (1) A unit charge per hydrant in service. This is perhaps the most common method, although it has little or no rational basis in fact, because the number of hydrants is no measure of the amount of money invested in the water-works for fire-protection purposes. (2) A unit charge per capita of population is sometimes made. This also is illogical, because there is no direct connection linking population, property value, and water department expenditure for fire protection. (3) The method most approved by public utility commissions in rate-making decisions is a composite charge consisting of a unit charge per hydrant for maintenance and depreciation, plus another unit charge for pipe capacity and other costs of excess service per linear foot of pipe in service.

The total amount which a city should pay to its water department for fire-protection service may be obtained as follows: (1) Ascertain the proportion which the extra cost of the water-supply system, due to its fire-protection service, bears to the total cost of the works. (2) Determine the annual amount necessary to operate the works, including interest and sinking fund payments, and of this total allocate that portion to fire protection which the extra cost due to fire-protection features is to the total cost of running the works.

Fortunately there are on record many rate cases where these determinations have been made, and ratios can be established for the average case which are sufficiently accurate for general use or for a preliminary estimate. These studies show that the smaller the town the larger the proportional charge for fire protection. For example, for a town of 10,000 inhabitants, 60 per cent of the total cost of the works is found to be for fire protection, while for a city of 300,000 only about 13 per cent of the total cost is thus allocated.

The only bearing that the number of hydrants has in the making up of the fire-protection cost is in the annual charge for maintenance and depreciation of these appurtenances. The method of placing a per capita charge for fire-protection service of the water department, while less in evidence than the hydrant charge, is also illogical and probably an accompaniment of the nearly obsolete fixture charge for water supply. It appears just as reasonable to charge a per capita rate for household service regardless of the amount used as to charge for fire protection regardless of property defended.

How the excess investment for fire protection shall be paid for is the question that has bothered many public service commissions.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

The Next Conference will meet with the National Municipal League on November 14, 15, and 16, at Washington, D. C., with headquarters at the City Club. The Conference will have the entire first day, and the mornings on succeeding days available. The executive committee will act as program committee.

✻

Charles B. Ryan, for some time chief accountant of the Municipal Research Bureau of Cleveland, has resigned to become secretary of the Cleveland City Club.

✻

Mayo Fesler, until recently secretary of the Chicago City Club, for many years active in civic work in St. Louis, Cleveland, and Brooklyn, has returned to Cleveland as secretary of the newly constituted Cleveland Citizens' League, located in the Swetland Building.

✻

The Detroit Bureau of Governmental Research has recently issued a number of *Public Business*, dealing with the finances of the department of street railways, designed to give an accurate and dispassionate statement of the financial results of municipal ownership, a subject concerning which there has been extensive controversy.

✻

The Detroit Bureau of Governmental Research has had a number of recent resignations of staff members to become associated with other agencies. Mr. Percival Dodge becomes assistant secretary of the Detroit Community Fund; Mr. Robert Kneebone becomes secretary of the Charleston, West Virginia, Community Fund; and Mr. Robert Buechner becomes city manager of Grand Ledge, Michigan.

✻

Hume Bacon, formerly with the Institute for Public Service, is now connected with Sanday & Company, Wheat Exporters, at 8 Bridge Street, New York City.

R. P. Farley, formerly director of the Citizens' Research League at Winnipeg, Canada, is now editorial writer for the Philadelphia Bulletin.

✻

Arch Mandel has resigned from the Detroit Bureau of Governmental Research to become director of the Dayton Research Association. The Association will do both civic and social research, and is supported by the Dayton Foundation. Dr. D. F. Garland, president of the former Bureau of Municipal Research, is president of the Association.

✻

Solon E. Rose, until recently lieutenant commander in the U. S. Navy, and a graduate of the Naval Academy, has taken over the work of the Detroit Bureau relating to police and education, formerly in charge of Arch Mandel.

✻

Library Material of every character will in the future be deposited with the National Municipal League. Bureaus are requested to send to the Conference secretary copies of all current reports so that notes may be made concerning them, after which such material will be forwarded to the library at New York.

✻

James W. Follin, after four years of excellent accomplishment on the staff of the Philadelphia Bureau of Municipal Research, resigned on July 1, 1923, to become research engineer of the Pennsylvania state highway department. While with the Philadelphia Bureau Mr. Follin was in charge of a number of important assignments, including the significant part played by the Bureau in bringing about the transition from contract to municipal street cleaning. One of Mr. Follin's last assignments was work in connection with the state highway system for Governor Pinchot's Committee on Reorganization, which attracted the attention of the state authorities and resulted in his appointment.

✻

Tokyo, Japan, in 1922 organized the Institute for Municipal Research under the initial direc-

tion of Prof. Charles A. Beard. The president of the Institute is Viscount S. Goto, and the permanent director is Mr. K. Matsuki, to be addressed at the Yurako Building, Marunouchi, Tokyo.

✻

The London Institute of Public Administration, 17 Russell Square, W. C. London, England, has as president the Rt. Hon. Viscount Haldane, and as secretary, Mr. H. C. Corner.

✻

H. C. Tung, formerly a student of municipal administration at the University of Michigan, is director of a research bureau at Shanghai, China. The organization is known as the Provisional Bureau for the Municipality of Wosung, Port, 22 Kiu Kiang Road, Shanghai.

✻

Seattle, Washington, has recently established a bureau of research under the name of the Voters' Information League, 301 Haller Building. Mr. Alexander Myers is president, and Mr. J. V. A. Smith, secretary.

✻

The Spokane, Washington, Research Bureau is known as the Taxpayers' Economy League, 1305 Old National Bank Building. Mr. J. J. Hammer is president, and Mr. Lester M. Livengood, manager.

✻

Hart Cummin is secretary of the Tax and Economy Bureau of the El Paso Chamber of Commerce, organized to carry out the recommendations made in the recent survey of the El Paso city government.

✻

James E. Barlow, city manager of New London, Connecticut, and formerly engineer of the Cincinnati Bureau of Municipal Research, has resigned.

✻

The Death of Mr. John T. Child is reported with deep regret. Mr. Child was a graduate of Cornell University in 1912. Being engaged in construction engineering for five years, he joined the staff of the Rochester Bureau of Municipal Research in 1917. During the war Mr. Child was a first lieutenant of the sanitary corps. Mr. Child's invariable courtesy and kindness endeared him to every member of the Conference.

A Committee on Municipal Budget Procedure to formulate next steps has been appointed by the chairman of the Conference as follows: C. P. Herbert, chairman (St. Paul); Walter Matscheck (Kansas City); Arch Mandel (Dayton); and Arthur E. Buck (New York City).

✻

A Committee on Municipal Accounting Procedure to formulate next steps has been appointed by the chairman of the Conference as follows: Robert J. Patterson, chairman (Philadelphia); H. P. Seiderman (Washington); C. E. Higgins (Rochester); William Watson (New York City); and C. E. Righter (Detroit).

✻

Prof. Thomas H. Reed, formerly city manager of San Jose, California, has largely taken over the work in municipal administration at the University of Michigan, carried by Prof. R. T. Crane. Professor Crane is giving his attention to other branches of politics.

✻

Summer Surveys by the Institute for Public Service, Gaylord C. Cummin, C. E., in charge, include a bond study and a constructive city government survey of Woonsocket, Rhode Island, and a city survey of Brockton, Massachusetts. A build-as-you-go school survey of Mt. Vernon, New York, was finished, its main feature being answers to nine questions from the board of education, and the preparation of a list of over 200 high spots.

✻

School High Spots from different parts of the country and different types of school were printed in three New York newspapers this last summer. The high spots were furnished by students at Columbia University's summer session who visited the school text-book exhibit of the Institute for Public Service. Short paragraphs and special stories about advance steps in over twenty states showed that an experience of incalculable value is represented in a summer school if only faculties will try to bring out the best things which student-teachers have done.

✻

Harry Freeman, formerly city manager of Kalamazoo, who has been representing the Upjohn Company in London, England, has returned to Kalamazoo, where he continues with the same company.

NOTES AND EVENTS

City Manager Named for Norfolk.—Charles E. Ashburner, who resigned the managership of Norfolk, Virginia, to become manager of Stockton, California, at a salary of $20,000 a year, has been succeeded by Colonel William B. Causey, an engineer of wide reputation. Colonel Causey's salary will be $20,000 a year, which makes him and Mr. Ashburner the highest paid managers in the United States.

✻

Akron Drops Manager Charter.—By a majority of 172 out of 14,000 votes cast, the city charter of Akron, Ohio, was amended on August 14, to abolish the position of city manager and transfer to the mayor his power and duties. Whoever is elected mayor next November will have power to appoint all department heads, and will receive a salary of $7,000 per year. The vote was extremely light, only about a fifth of the registered voters taking part. A fuller account of the situation will be given in our next issue.

✻

County Grand Jury Recommends Home Rule Charter.—Another grand jury has reported favoring a change in the form of government for Sonoma County, California. It found flagrant irregularities in the use of funds running over a period of many years. A budget system is recommended and the supporters are urged to call a special election to vote on the county charter.

✻

The Seattle Charter Situation, 1923.—The present charter of the city of Seattle has developed by the process of local amendment from the home rule charter adopted in 1896. In general the municipal organization provided for is of the "federal" type; that is to say, the administrative responsibility rests almost entirely in the mayor. He has power to appoint practically all department heads, with the approval of the council, and to "direct and control all subordinate officers of the city," with a few exceptions. He has also the usual veto power over the acts of the city council, which consists of nine members elected at large for terms of three years, three being elected each year. The ward system was abolished in 1910.

Seattle has grown rapidly, and her charter-garment has not kept pace with her development. At sixteen different elections from 1900 to 1922 the voters have adopted one or more amendments. In the 1920 election sixteen amendments were adopted at one swoop. Despite these numerous changes in detail, growing pains continue to be felt. The evidences of popular dissatisfaction are numerous. Officials also, from mayors down, have had important charter changes to suggest. As long ago as the spring of 1914 a committee of the Municipal League reported its belief that "the present charter scheme of government is defective in that it separates the powers of the city government, divides authority and permits shifting of responsibility between the separate executive and legislative departments and results in continual friction between these departments." Some of the present trouble arises from a little more friction and discord than commonly exists between these branches.

The Municipal League committee referred to above recommended the adoption of the city manager plan of government with a council of 9 to 15 members elected at large by preferential voting. A minority favored retention of the ward system. A board of freeholders elected at about the same time drafted a new and complete charter for Seattle, covering 53 closely printed pages. This document provided for a council of 30 members elected from as many wards, although residence in the ward was not required. The mayor, elected at large, was to preside over the council without the power of voting, and was to be head of the police department. Elections were to be by a system of preferential voting. A city manager was to head the administration under the council. This proposed charter secured but little public support, and was rejected at an election on June 30, 1914.

In 1922 the Municipal League appointed another committee to consider the question of a new city charter, and again, early in 1923, it received a report urging adoption of the city manager plan. This time the committee report took the form of a completely drafted charter, with a summary of the arguments in favor of it. The draft is well phrased and reasonably brief,

and follows in its main outlines the N. M. L. Model Charter. The council is to remain as in the present city government, a body of nine members elected at large. The mayor is to be chosen by this body from among its own members. He is to preside over the council, and is to sign all bills in its presence. The city manager is to be appointed in the usual manner, and has the ordinary powers. Provisions are made for the merit system of appointment, and for the initiative, referendum, and recall.

The league speedily adopted the report, and transmitted it to the city council with the request that it provide for the election of a board of freeholders to draft a charter upon the lines suggested. The time was short, however, and the exponents of the plan lacked the necessary support to have the ordinance calling the election passed as an emergency measure. The proposed charter is not much closer to a popular vote, therefore, than it was six months ago.

While other organizations have come to the support of the manager plan, the committee of the Municipal League has reconsidered the question of tactics. The present plan of the committee is to amend the present Seattle charter by incorporating in it all the essential city manager principles, and to submit this amendment after approval by the League, directly to the council instead of asking for the elections of a board of freeholders. The council itself has power to submit charter amendments to the voters, and since a number of the present council members are favorable to the manager plan, there is reason to hope that appropriate action can be obtained from that body.

WILLIAM ANDERSON.

*

Municipal Legislation in Illinois.—The results of the Legislative session of 1923 in Illinois were negligible viewed from the standpoint of constructive progress in the field of municipal government. The city manager bill, the proposals for uniform accounting, and a number of other forward-looking and liberalizing measures were lost. The cities and villages of the state were reduced to the desperate situation of waging a session-long struggle to prevent their revenues from taxation from being reduced two-thirds below the present level. Aside from the success attending this effort, the defeat of certain undesirable bills and the development of a spirit of co-operation and unity under the leadership of the Illinois Municipal League were the net gains from the recent legislative experience. There were some modifications of existing laws tending to improve the provisions governing technical or procedural matters, but these were mostly of an incidental nature.

The cities formulated their legislative program at the annual meeting of the League last December, and appointed an able committee to conduct the legislative campaign in its behalf. The principal objectives were: (1) The permanent establishment of the present corporate tax rate of 1.33⅓. The rate lapsed back to the pre-war rate of .80 unless the legislature re-enacted the increase to the present rate and extended its operation. (2) Provisions for the establishment of uniform accounting with report to and publication by some state agency. A bill of this kind had failed at the 1921 session. (3) The amendment of the city manager act so as to give it greater flexibility and make it available to all down-state municipalities. The 1921 act was limited to municipalities of 5,000 or less population, and set up such an elaborate and rigid departmental system that no municipality of that size could afford to experiment with it. As a result it has not been adopted by any of the several which have contemplated giving manager government a trial. (4) Certain modifications in the local improvement act, especially those relating to public benefits and engineering costs.

Out of the 1,404 bills introduced in the general assembly, 134, approximately one-tenth, directly affected cities and villages. Of those which were enacted, two modified the commission plan, two had to do with municipal elections, two altered the provisions governing the incorporation and dissolution of villages, nine amended the law relating to public improvements, twenty-three related to municipal finance, three to municipal officers, three to parks and playgrounds, three dealt with sewage disposal, and six had to do with miscellaneous matters,—a total of fifty-three new laws.

Out of this legislative struggle the Illinois Municipal League has emerged stronger than ever before in its history. The character of the situation gave it exceptional opportunity to establish its leadership and win the confidence of municipalities which were not members. The cities and villages came to appreciate the necessity of organization. On September 1, the League

secured the full-time services of a secretary for the first time in the ten years of its organization. Moreover, the League has won the confidence of the members of the general assembly. It has been the studied purpose of the legislative committee, headed by Mayor E. E. Crabtree of Jacksonville, to seek legislative action only on matters which could reasonably be deemed to merit it, and furthermore to place the research and informational facilities of the League at the disposal of members and committees of the assembly whenever assistance was sought.

Municipal progress in Illinois comes with great travail. The state has contributed very little to the solution of municipal problems in this country, and has been slow to appropriate the solutions worked out elsewhere. For all the disappointments attending the recent legislative session, there is compensation in the awakened municipal life of the state, and in the development of channels through which it may express itself more effectively in coming years.

RUSSELL M. STORY.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, ETC., OF NATIONAL MUNICIPAL REVIEW
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The National Municipal League.

H. W. DODDS, *Editor.*

Sworn to and subscribed before me this 25th day of September, 1923.

HENRY J. WEHLE,
Notary Public, Queens County, Certificate Filed in New York County.

Term expires March 30, 1925.